

DATE	TYPE OF EVENT	SOURCE
2011		
February 27	Banbury MXC	Actionsport Photography Events index
March 20		https://www.youtube.com/watch?v=l8HIV-uoKA0
May 29	Banbury MXC	Actionsport Photography Events index
July 3	Banbury MXC	Actionsport Photography Events index
July 23	Banbury MXC England v Wales	Actionsport Photography Events index
Sept 3&4	BSMA girls national at Wroxton	Actionsport Photography Events index
Sept 10	BSMA girls national at Wroxton	
October 9	Banbury MXC	Actionsport Photography Events index
October 23		https://www.youtube.com/watch?v=b9rt_5eUsZw
2012		
Feb 26	Adult Warm up	WBM 10.2. 2012 for www.banburymotocrossclub.co.uk
April 8	Banbury MXC	Actionsport Photography Events index
May 26/27	British Schoolboy Motocross Association (BSMA) Golden Tyre Cup Round 3 @ Wroxton,	
March 25	British Side x Side ACU Nora Championship	Www.rzracing.co.uk/tag/wroxton-racing/
June 24	Adult Round 6	WBM 10.2. 2012 for www.banburymotocrossclub.co.uk
July 15	Banbury MXC	Actionsport Photography Events index
July 29	Schoolboy Round 7	WBM 10.2. 2012 for www.banburymotocrossclub.co.uk
Sept 8/9	Girls National	https://www.tmxnews.co.uk/columnists/calling-all-you-ladies/
Sept 16	Nora MX	
Nov 18		https://www.youtube.com/watch?v=XDrlekge8WE
2013		
March 31	Banbury MXC	Actionsport Photography Events index
April 22	Nora MX	https://www.tmxnews.co.uk/columnists/new-prize-cash-deal/
May 19	Championship round 3 Adult series groups will now be 85 sw/bw, youth, a,b,c. 2 stroke, over 35s, open group for	WBM 18.5.2013 for www.banburymotocrossclub.co.uk

	prize money	
May 25	GT Cup Round 4	https://www.dirtbikerider.com/news/motocross/race-report-gt-cup-rd4-wroxton/
July 7	Schoolboy	WBM 27.7.2013 for www.banburymotocrossclub.co.uk
Sept 27	Nora MX	https://www.tmxnews.co.uk/columnists/call-to-culham/
2014		
March 30		https://www.youtube.com/watch?v=mJxFEGYXHyE
April 20	Banbury MXC	Actionsport Photography Events index
August 24	Banbury MXC	Actionsport Photography Events index
Sept 7	The track schedule for the 2014 NORA-MX championship	https://www.tmxnews.co.uk/columnists/nora-tracks-revealed/
Sept 20/21		https://www.youtube.com/watch?v=7-Or-uVMTew https://www.youtube.com/watch?v=2ivh9--BAAQ
Oct 12	Banbury adult round	https://www.youtube.com/watch?v=T3EIIAcPJUl
2015		
April 5/6		https://www.youtube.com/watch?v=le377KifQoM
May 31	Banbury MXC	https://www.youtube.com/watch?v=6zB3qslq7xg
June 27	Banbury MXC	Actionsport Photography Events index
July 12		https://www.youtube.com/watch?v=tLHM2U5qNJA
August 15	BSMA finals	https://speedhive.mylaps.com/
August 30		https://www.youtube.com/watch?v=H7lZjJ87Bik
Sept 9		https://www.youtube.com/watch?v=9V0X30jg_mQ
Oct 4	Under 35s	https://www.youtube.com/watch?v=4S4xSIIF8ag
Nov ?	Banbury MXC	Banbury Motocross facebook post
2016		
March 6	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
April 16	Bridgestone Rd 2	https://speedhive.mylaps.com/
May 1&2	2 day series fixture	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
May 15		https://www.youtube.com/watch?v=uy9gcu4NLRc
June 5	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
June 18	Wroxton Rd7 (SWS Rd	https://speedhive.mylaps.com/

	3)	
July 10	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
August 21	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
October 23		https://www.youtube.com/watch?v=CXB9m9-MD9c
October 30	Wroxton W/S Rd 2	https://speedhive.mylaps.com/
2017		
Feb 19	Winter series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
March 5	Winter series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
March 18/19	Bridgestone BSMA Championship - Rd 1 Wroxton	https://www.tmxnews.co.uk/news/motocross/whats-on-uk-trials-motocross-and-enduro-events-180317-260317/
April 2	Winter series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
April 16/17	Two day trophy meeting	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
May 14	Winter series final meeting	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
May 21	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
June 10	Wroxton 2 Dayer Round 4 (SWS)	https://speedhive.mylaps.com/
June 18	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
July 9	AMCA (08 SOUTH) Stroud	https://speedhive.mylaps.com/
August 6	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
August 12/13	EASSC Summer CC Round 7&8	https://speedhive.mylaps.com/
Sept 9	Girls National Round 2	https://speedhive.mylaps.com/
October 15	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
2018		
Feb 18	Winter series	WBM 3.11.2017 for www.banburymotocrossclub.co.uk
March 4	Winter series	WBM 3.11.2017 for www.banburymotocrossclub.co.uk
March 18	Winter series	WBM 3.11.2017 for www.banburymotocrossclub.co.uk
April 1/2		BMX fixture list Facebook
April 15	Winter series	WBM 3.11.2017
May 6		BMX fixture list Facebook

May 12	Bridgestone British Maters	https://speedhive.mylaps.com/
June 10		https://www.youtube.com/watch?v=kH-9FsJh-4w
June 16	Summer series	WBM 28.3.2018 for www.banburymotocrossclub.co.uk
June 17	Portsmouth MX (MCF). Rd 8 Club Summer MX Series at Wroxton (OX15 6EU). Free camping.	https://www.tmxnews.co.uk/whats-on/motocross-events-25-06-2018/
June 30	BSMA National	https://speedhive.mylaps.com/
July 8	AMCA (08 SOUTH) Stroud	https://speedhive.mylaps.com/
July 22	85 SW/BW, Youth 125/250F, Under 35, Over 35/45, B, C, 2 strokes	WBM 25.7 2018 for www.banburymotocrossclub.co.uk
August 4/5	EASSC	https://speedhive.mylaps.com/
August 19	Hampshire MXC. Club MX Champs at Wroxton (OX15 6EU). Jim Webber. 07825-018023.	https://www.tmxnews.co.uk/whats-on/motocross-events-27-08-2018/
Sept 2	Mis Sussex Mcc Round 11	https://speedhive.mylaps.com/
Sept 16	Kensworth SMX. Open Adult & Youth MX at Wroxton, Oxfordshire (OX15 6HH).	https://www.tmxnews.co.uk/whats-on/motocross-events-23-09-2018/
October 7	85 SW/BW, Youth 125/250F, Under 35, Over 35/45, B, C, 2 strokes	WBM 3.5.2018 for www.banburymotocrossclub.co.uk
October 13	Compass Cup 2018 Mid Sussex MCC	https://speedhive.mylaps.com/
October 20	Summer series	WBM 28.3.2018 for www.banburymotocrossclub.co.uk
November 3	Summer series	WBM 28.3.2018 for www.banburymotocrossclub.co.uk
2019		
Feb 24	Winter series	WBM 28.10.2018 for www.banburymotocrossclub.co.uk
March 10	Winter series	WBM 28.10.2018 for www.banburymotocrossclub.co.uk
March 24	Nora-MX. Open Quad	https://www.tmxnews.co.uk/whats-on/motocross-events-31-03-2019/
April 14	Winter series	WBM 28.10.2018 for

		www.banburymotocrossclub.co.uk
April 28	Winter series	WBM 28.10.2018 for www.banburymotocrossclub.co.uk
May 11/12	Rd 3 Bridgestone British Masters MX Series	https://www.tmxnews.co.uk/whats-on/motocross-events-19-05-2019/
May 26		Banbury MX fixture list handed to neighbours
June 9	Westermans International British Women's Motocross Championship headed to Wroxton Moto Parc in Banbury for round four. A completely different track which suited a lot more riders and produced some of the most exciting and spectacular racing of the series so far.	WBM 11.1.2019 https://www.tmxnews.co.uk/news/motocross/wroxton-report-british-womens-motocross-championship/
June 16	Summer series	WBM 11.1.2019 for www.banburymotocrossclub.co.uk
June 29	Mid Sussed Mcc Round 7	https://speedhive.mylaps.com/
July 6/7	EASSC	https://speedhive.mylaps.com/
July 20/21	BSMA Apico National Round 4	https://speedhive.mylaps.com/
August 10/11	August 10/11: Portsmouth MXC (MCF); Rd 13 Summer MX Champs & Brad #23 Fundraiser, auto to adult, at Wroxton.	https://www.tmxnews.co.uk/whats-on/motocross-events-11-08-2019/
August 18	August 18: Hampshire MXC (MCF); Club MX Champs, 85cc, rookie, adult AB, vet o40 & vet o50, at Wroxton (OX15 6EU).	https://www.tmxnews.co.uk/whats-on/motocross-events-18-08-2019/
August 25	Mildenhall. MX club	https://www.youtube.com/watch?v=0wINslzvgcE
Sept 14/15	Girls national 2019	https://speedhive.mylaps.com/
Sept 22	EASSC Summer CC Rd 11	https://speedhive.mylaps.com/
October 6		Banbury MX fixture list handed to neighbours

October 20	Summer series	WBM 11.1.2019 for www.banburymotocrossclub.co.uk
Nov3	Summer series	WBM 11.1.2019 for www.banburymotocrossclub.co.uk
Nov 10	Wroxton Round 3	https://speedhive.mylaps.com/



Banbury MX and Motocross Scrambling Site, Wroxton OX15 6EU

EXPERT WITNESS STATEMENT OF CHRISTINE DIANE COX BA MA MCIFA FSA

Evidence from dated aerial photographs, satellite imagery and visualised Lidar data regarding the extent and configuration of the facility

Instructed by Hornton Parish Council c/o Martin Leay Associates

Local Planning Authority Cherwell District Council

Planning Reference 20/02126/CLUE

29th September 2020

Christine Diane Cox BA MA MCIfA FSA
Aerial Imagery Interpreter and Director
Air Photo Services Ltd
The Shaftesbury Centre
Percy Street
Swindon
SN2 2AZ

info@airphotoservices.co.uk

www.airphotoservices.co.uk

+44 (0) 7827 810361

1 INTRODUCTION

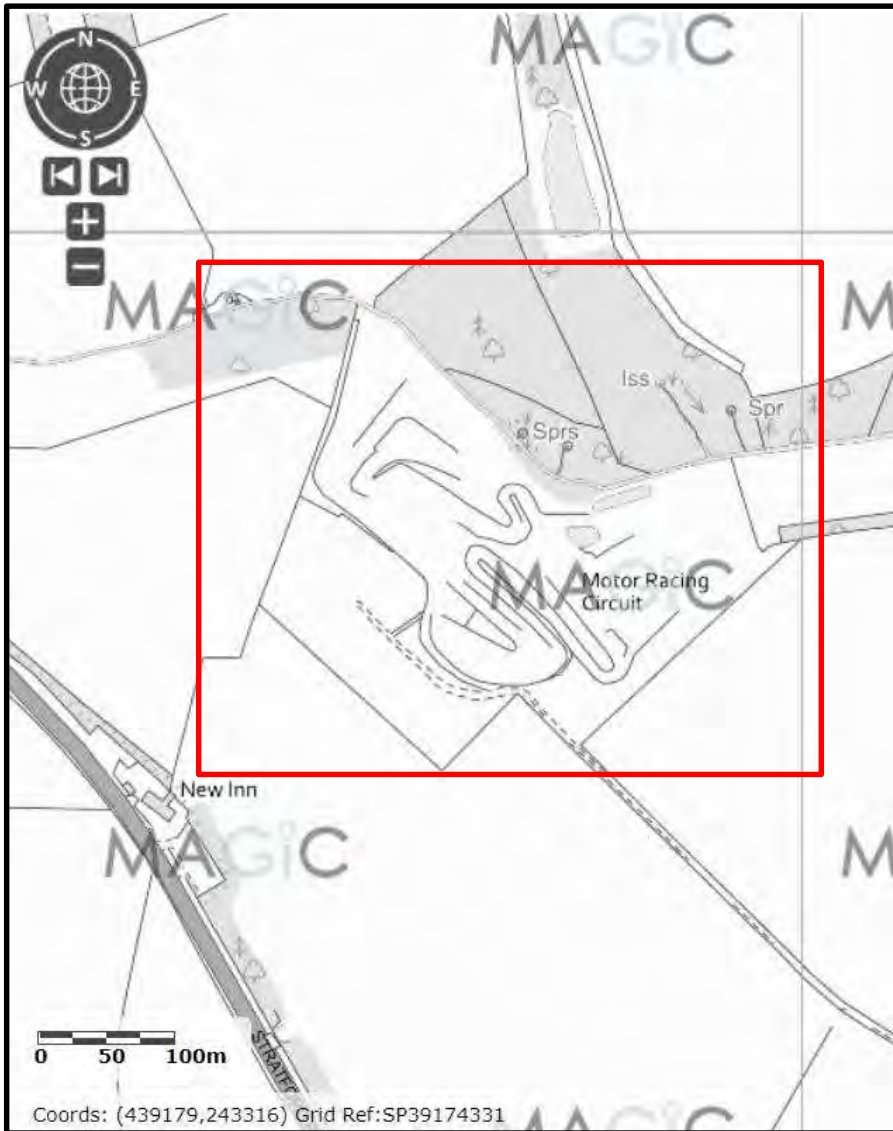
- 1.1 I am Christine Diane Cox, a professional interpreter of aerial imagery and director at Air Photo Services Ltd.
- 1.2 My qualifications comprise a BA (Honours) degree in Archaeology from the University of Liverpool (1983), and an MA in Aerial Photographic Interpretation from the University of Sheffield, Department of Archaeology and Prehistory (1984). I am trained and experienced in all aspects of technical air photo interpretation, for heritage, environment, planning and land use purposes. Applications include land use analysis, identification of above ground structures and buried features, mapping, image acquisition and survey, and since 1985 have pursued a continuing professional career in this field.
- 1.3 I am a member of the Chartered Institute for Archaeologists (CIfA, membership number 947, elected 1990, original area of competence Air Photo Interpretation), a Fellow of the Society of Antiquaries of London (elected October 2014) and a member of the Society of Expert Witnesses (SEW).
- 1.4 I am a director of Air Photo Services Ltd, and my company currently provides remote sensing advice, temporal analysis of land use changes, and assessment for single site and large infrastructure issues.
- 1.5 I routinely provide expert witness opinion from aerial and satellite imagery and remote sensing data for CPR 35 compliant investigations.

2 INSTRUCTION

2.1 I am instructed by Hornton Parish Council to examine the extent and development of the Motocross outdoor facility at Wroxton OX156EU. The site is shown at **Figure 1** below. The instruction is to examine and detail the configuration and topography of the MX Track between 2009, 2012 and 2020, *via* provision of:

- Comparative information between 2009 and 2020;
- Data regarding annual changes in the extent and configuration of the facility between 2009 and 2020; and
- Examination of development of the site between May 2016 and September 2020.

2.2 Figure 1: The site location



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3 MY EVIDENCE

Civil Procedure Rules

- 3.1 I have undertaken the investigation and presentation of my Expert Evidence in accordance with the Civil Procedure Rules (CPR) Part 35 and Practice Direction 35 which supplements CPR Part 35.
- 3.2 I have considered all material facts within my own expertise in an independent manner, and herein provide an unbiased and factual statement of my expert opinion in this case.

Disclosure of interests

- 3.3 With the exception of instructions provided to me by Martin Leay Associates in this matter, I have no connection with any of the parties, the site or issues in this case and no conflict of interest, or other interest in, any matter pertaining to it.

4 THE TECHNICAL INVESTIGATION

Data sources

4.1 I examined the following aerial and satellite images and Lidar data. These images are available as originally supplied, using a high resolution monitor and viewing software (in this instance QGIS), and were examined in their original formats. Images reproduced in this report are for illustration purposes only.

Year	Date	Provider	Resolution	Geo referenced by supplier	Figure for visual comparison
2009	30 05 2009	Bluesky mapshop aerial photograph	25cm	YES	2
2012	23 05 2012	Ordnance Survey aerial photograph <i>via</i> Air Images Ltd	Not stated, but appropriate for purpose	NO	3
2014	16 05 2014	Getmapping plc <i>via</i> Air images Ltd	12.5cm	YES	4

Year	Date	Provider	Resolution	Geo referenced by supplier	Figure for visual comparison
2015	15 04 2015	Shadowbreak Intl Ltd SPOT6 satellite image	1.5m/p, but not high quality due to being a long way off the nadir (mid-point vertical) of the image. Appropriate for coarse shape observation only	YES	5
2016	04 05 2016	Air Images Ltd	12.5cm	YES	6
2016	05 12 2016	Shadowbreak Intl Ltd PHR1A satellite image	0.7 m/p	YES	7

Year	Date	Provider	Resolution	Geo referenced by supplier	Figure for visual comparison
2017	08 04 2017 (date on image is in US format)	www.google.com/earth Google-provided image, no other attribution	Good quality image which is part of the Google satellite plugin to QGIS, and was checked against individual images to ensure positional accuracy	YES – as Google satellite plugin to QGIS, checked for accuracy	8
2018	24 09 2018	Shadowbreak Intl Ltd WV03 satellite image	0.4m/p	YES	9
2019	28 03 2019	UK Environment Agency National Lidar Programme (NLP)	1m	YES	10

Year	Date	Provider	Resolution	Geo referenced by supplier	Figure for visual comparison
2019	04 07 2019	Shadowbreak Intl Ltd GEO1 satellite image	0.51m/p	YES	11
2020	01 09 2020	Drone- derived image by Mr Roger Corke	Not stated, but appropriate for purpose	NO, but possible to georeference using QGIS Raster Georeferencer	12

- 4.2 These data provided an appropriate timescale for the investigation. The majority of the images were supplied in geo-located (georeferenced) format and were examined directly within a Geographic Information System (GIS), QGIS 3.10. GIS software provides a 'real world scale' database and geometric viewing and data analysis platform. In this instance an OSGB/1936/ British National Grid EPSG:27700 Coordinate Reference System was used as is standard in the UK. This ensured correct positioning of the images as supplied within the accuracy tolerances of the geo-referencing applied to the images at capture and during processing by the suppliers.
- 4.3 The 2012 Ordnance Survey aerial photograph did not carry georeferencing files, and I georeferenced it manually using the QGIS raster georeferencer using common ground control points to the already georeferenced data in other images. This georeferenced image is not absolutely accurately positioned, and I have therefore used it as a visual reference only in this report.
- 4.4 I have of necessity replaced the 2012 image with a georeferenced 2009 high resolution satellite image to provide an accurate 'baseline' for the assessment data.
- 4.5 National Lidar Programme (NLP) 1m Lidar data was also used to determine topographic information on one occasion only. These data were collected on 28th March 2019 and were downloaded from the UK Environment Agency website as dated open-source point-cloud data. These data were visualised using Relief Visualisation Toolbox (RVT) software to create an accurately located Digital Terrain Model (DTM) which shows the topographic features and extent of the site in March 2019.
- 4.6 This may be easily compared to a satellite image captured in July 2019 and an image derived by Mr Roger Corke from a Drone platform survey in September 2020 to show changes to the site between these dates.
- 4.7 The assessment was carried out *via* detailed visual inspection and measurement of the length and definition of the configuration of the track in 2009 and 2019.
- 4.8 These images provide clear comparative data for the changes to the track configuration and length over a 10 year span.

Measuring the site: caveats and considerations

- 4.9 The data provide a comprehensive timespan which covers each year 2012 – 2020 with a 2009 firm baseline from which to record changes.
- 4.10 This bare-earth motocross track is a dynamic entity, the evolution of which has been recorded over the past 11 years 2009 – 2020. The data indicate change, with the addition of loops, banks, corners and straights which have been recorded and compared.
- 4.11 A common starting and finishing point has been fixed in 2009 and 2020 for the measurement of the length of the track, in order to compare like with like.
- 4.12 There is only one set of height data, in the NLP Lidar data captured in 2019, which has created a DTM over the site. The nearest comparison is to a very sharply lit and shadowed satellite image captured in 2016 which indicates the rugged topography at that date. Unfortunately, there are no height data associated with any of the aerial or satellite images. In this

case, visual observations may be made in regard of the shadows which indicate topographic features on some occasions. Images with minimal shadow are not reliable for the recording of topographic features in the absence of stereoscopic pairs of images.

- 4.13 Images with minimal shadow are not reliable for the analysis of topographic features in the absence of stereoscopic pairs of images.

5 RESULTS OF THE INVESTIGATION

- 5.1 The site has been developed and altered since the first occasion of observation for this assessment in 2009. This investigation began with a visual assessment of the site to establish a baseline for comparative analysis from 2009.
- 5.2 **Figures 2 – 15** provide a full visual comparison of the configuration of the track between 2009 and 2020.
- 5.3 **Figures 16 - 18** provide comparative analyses of the extent of the track in the baseline year 2009, 2016 and 2020.

2009 - 2015

5.4 **Figure 2: Baseline 30 05 2009**

- 5.5 This image shows the track in 2009. There is a further image available, which I have examined, captured by Getmapping plc, who date their survey to between 2009 and 2013, which appears at Google Earth on a 2009 date. It shows the same configuration as this image which was supplied and firmly dated by Blueky Mapshop. I have used this image as a baseline for this assessment because it is firmly dated and georeferenced by the supplier.



5.6 **Figure 3: 23 05 2012**

5.7 This image is clear, but is not georeferenced by the supplier therefore I consider the 2009 and 2014 images to provide more reliable geolocation information for comparison of the track configuration on the ground. It shows that the southern boundary has been repositioned since 2009 and some substantial alterations have been made to the south eastern part of the track.



5.8 **Figure 4: 16 05 2014**

- 5.9 Works are ongoing in 2014 and an area of earthmoving and embanking is indicated. The shadows are soft and diffuse, and the image does not allow for an accurate assessment of any topographic features.



5.10 **Figure 5: 15 04 2015**

- 5.11 This satellite image lies towards the edge of the captured area and the resolution is not optimal. It does however show that the works which were ongoing in 2014 have completed a further loop to the track by 2015 which is indicated below.



2016 - 2020

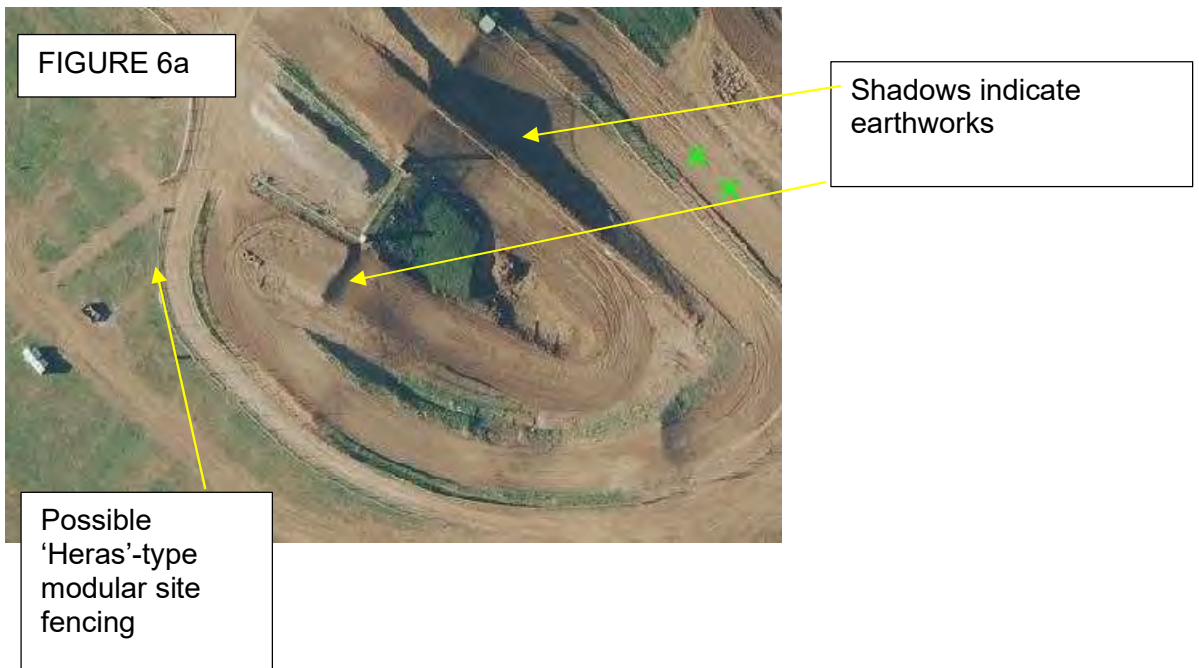
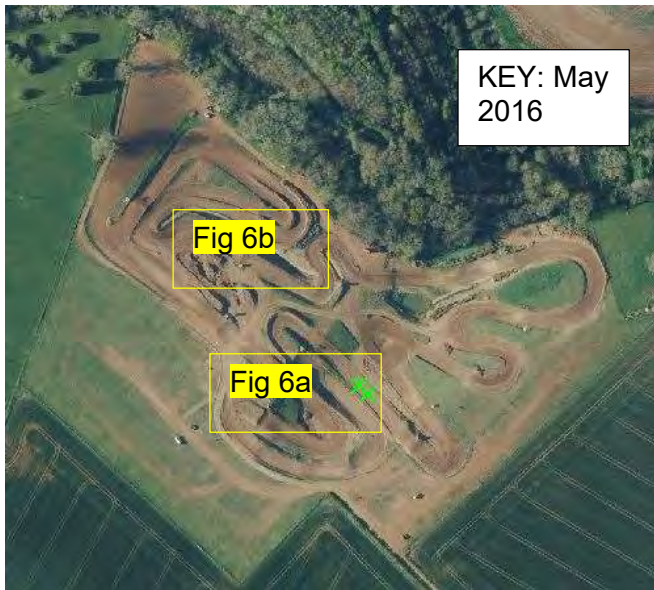
5.12 **Figure 6: 04 05 2016**

5.13 This image shows the site clearly, and indicates that there are some works ongoing in the site centre, since 2015, and that the periphery of the site indicates that there has been increased access and a recent event/meeting which has caused marks in the grass to the south of the track area. The long shadows indicate the presence of sharply edged, likely recently constructed platforms and some likely jumping ramps.

5.14 Works are ongoing in May 2016 to extend and landscape the track and associated features and areas.



5.15 **Figure 6a** shows details of earth moving machinery during active groundworks at this date, areas of tyres used to separate the track loops, fencing and well defined earthworks in the track area. These ramps are defined well by the strong shadows they cast which indicate their shape as shown over the page on **Figure 6b**. This photograph shows active earthmoving and landscaping activities on 4th May 2016. The site is extensively fenced with what may be 'Heras' type modular site safety fencing of the type used to secure construction works sites. This is not evident on December 2016, and I conclude that its presence indicates active groundworks, which require safety fencing.



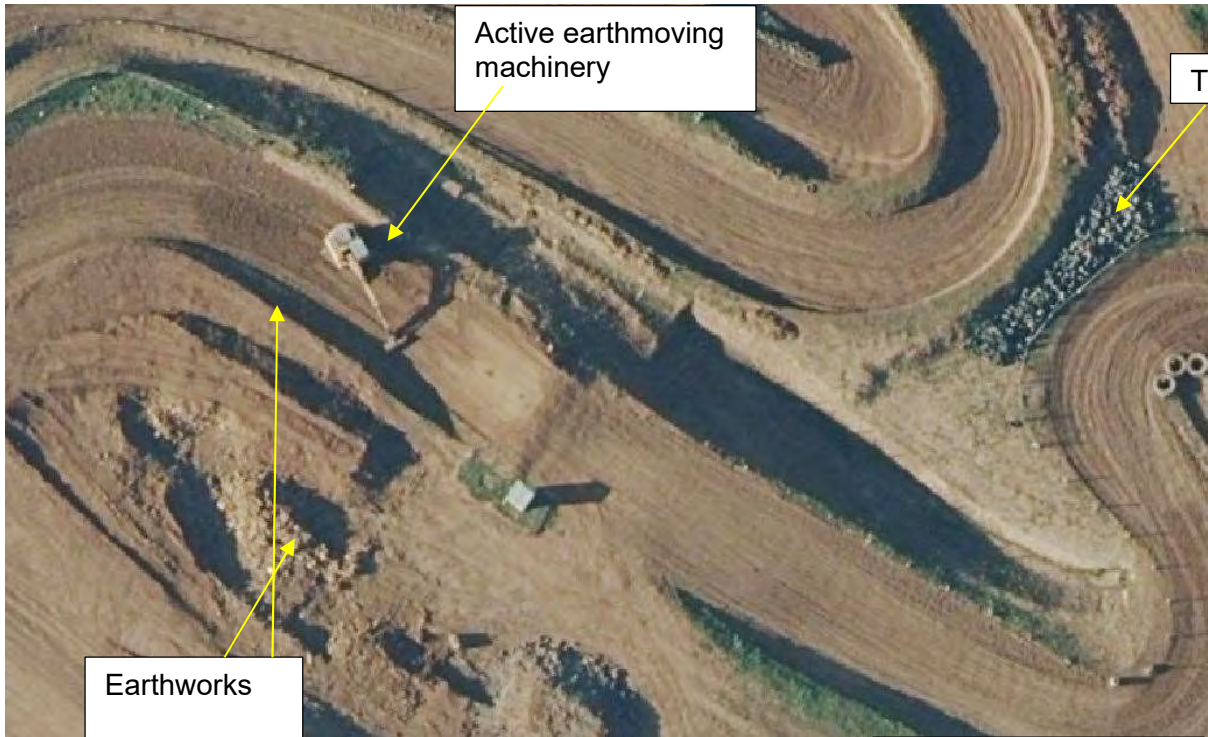


FIGURE 6b
Level changes
indicated by deep
shadows

5.16 **Figure 7: 05 12 2016**

5.17 This satellite image was captured in winter, is of high contrast and the light is low angled, creating very deep shadows. This low light angle emphasises the topographic features – the jumps, banks and hollows, which are present on the site by 2016, *via* the shadows which they cast on this occasion. Unfortunately there is no stereo pair to this image and no way to derive accurate topographic modelling from it. However, it is an excellent visual illustration of the site topography in December 2016 which was photographed under active modelling in May 2016. The layout remains the same as in February 2015, with an ongoing visible development to this layout since 2012.



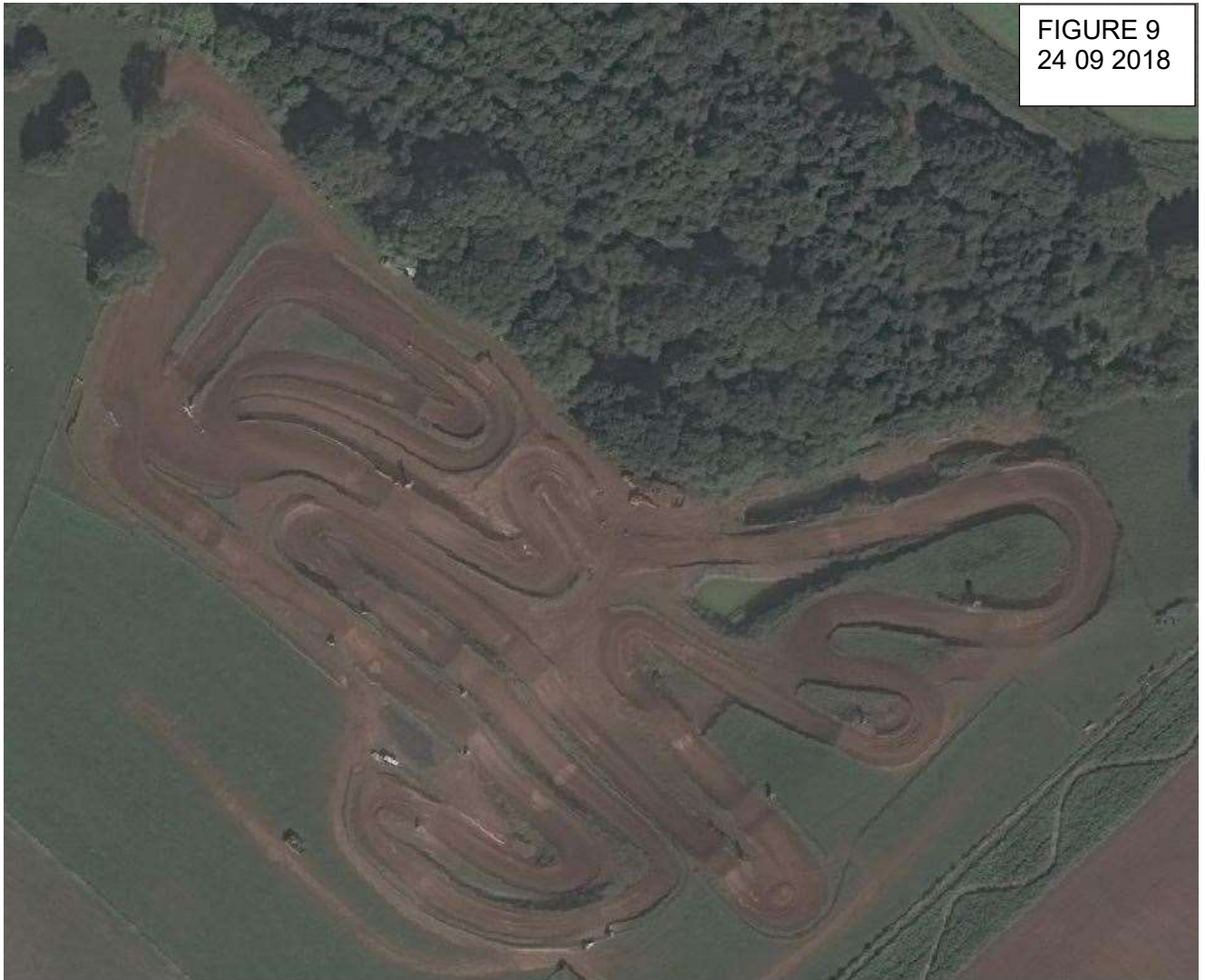
5.18 **Figure 8: 08 04 2017**

5.19 This image is very clear and shows the same topographic and configuration features, in different lighting conditions, as were present in 2015 and 2016. The track is not deeply shadowed, despite there being shadows cast by trees and fences, and the earthworks not so prominently visible as in 2016.



5.20 **Figure 9: 24 09 2018**

5.21 This image shows the same configuration as in 2017.



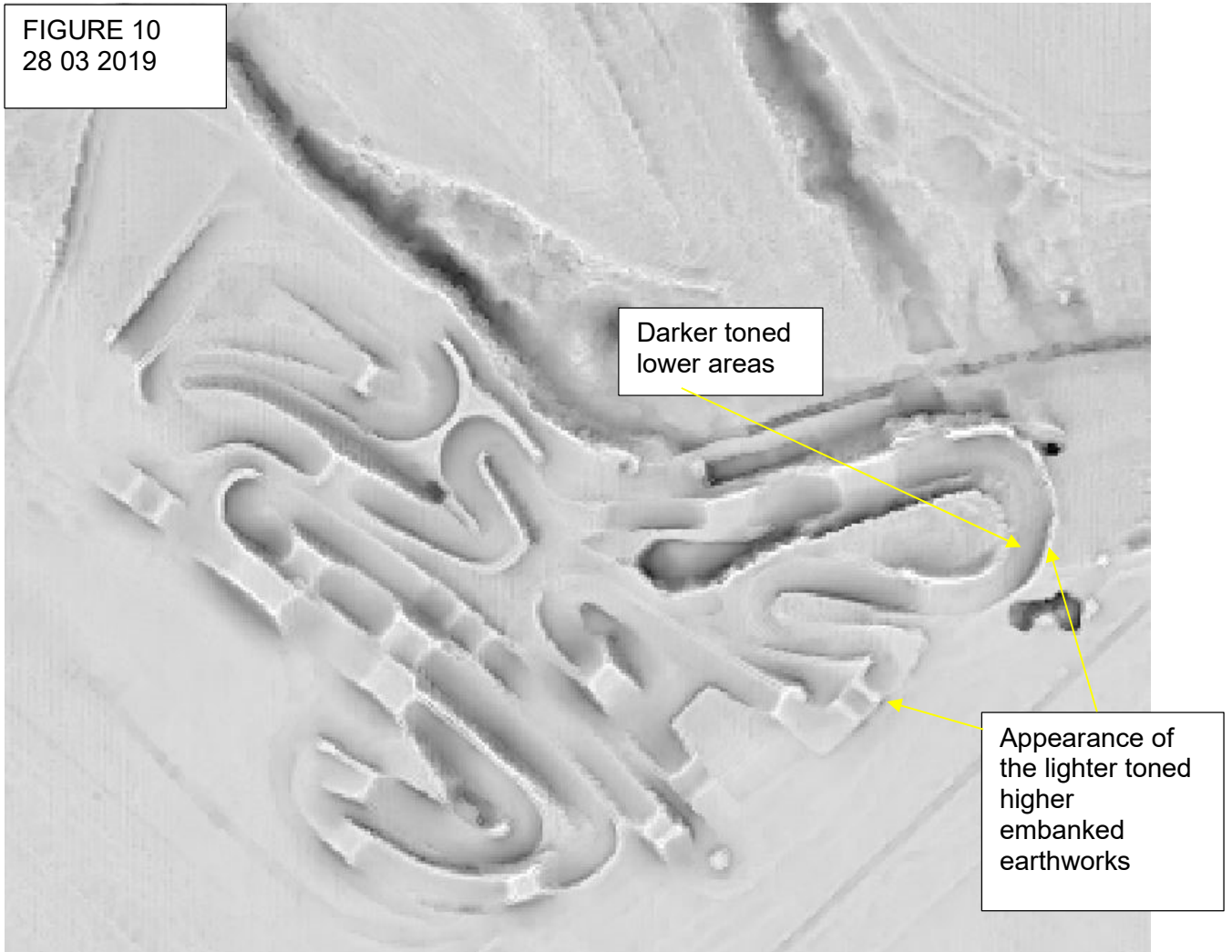
5.22 28 03 2019

- 5.23 This image is a 1m resolution visualised DTM which is derived from the survey point-cloud generated by an airborne Light detection and ranging (Lidar) survey. This survey was undertaken by the National Lidar Programme (NLP) at a 1m resolution and derived from the Environment Agency website as georeferenced open-source digital data. Lidar survey provides a method for measuring distances by illuminating the target with laser light and measuring the reflection with a sensor. Differences in laser return times and wavelengths can then be used to make digital 3-D representations of the target. It has terrestrial, airborne, and mobile application and is an established method for surveying a DTM which shows the topography of the land surface, or a DTM which includes the vegetation and above-surface features.
- 5.24 In this case the DTM was processed *via* RVT software and uploaded as georeferenced DTM files to QGIS for examination. A number of visualisations were considered (Single Local Relief Model, Skyview Factor, Open Positive, Open Negative, Multi and Single Hillshade lighting). The Open Positive visualisation of the DTM reference DTM_SP3540_10700_20190328_open-pos-R10_D16_8bit was chosen for illustration. It provides good contrast for visual communication of the topography, and an accurate positional representation of the topographic features on the site.
- 5.25 The Lidar data were captured in March 2019 and show the site as it was since 2015/16 prior to alterations to the north east section of the track in July 2019. These data place a date on the alteration timescale when the track area was increased *via* introduction of further looping areas between March and July 2019.
- 5.26 These data can be used to provide height profiles over the terrain, but unfortunately there are no comparative digital height data from previous years against which to accurately measure changes to the landscaping over time. The 2016 satellite image does however visually show the topographic features which are also recorded *via* the Lidar data.

5.27 **Figure 10: 28 03 2019**

5.28 Lighter toned areas are raised, darker toned areas are lower. The model derived from Lidar data clearly shows the jumps, embankments and the lower area of the track surface.

FIGURE 10
28 03 2019



5.29 **Figure 11: 04 07 2019**

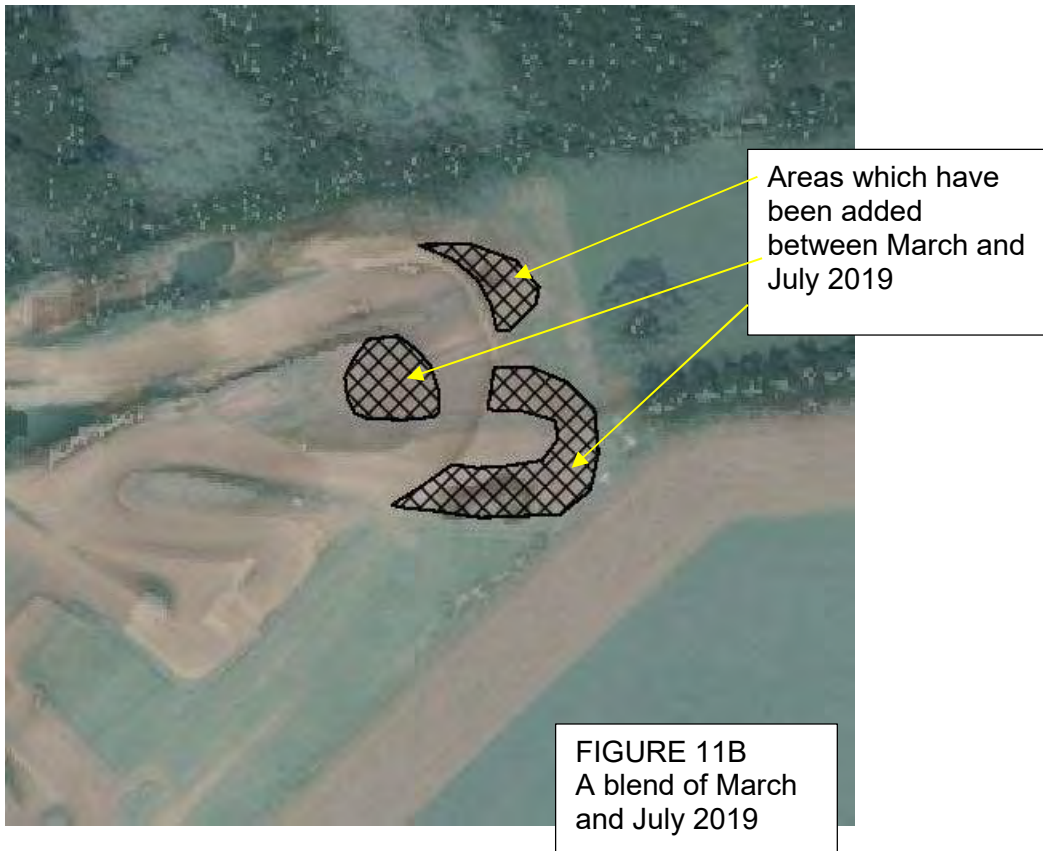
5.30 **This satellite image taken in rather flat lighting conditions in July 2019 shows two new loops under construction as an alteration from a single loop present in March 2019. Figure 11a shows a blended image with July 2019 at 80% transparency over the visualised Lidar DTM, which indicates the area of alteration between March and July.**



5.31 **Figure 11a: 04 07 2019 Lidar data blended with 04 07 2019 satellite image**



5.32 **Figure 11b: Additional areas created between 28 03 2019 and 04 07 2019** have been highlighted below, derived from Figure 11a above.



These images were blended to show the change to the north east loop in the track between 29 03 2019 and 04 07 2019.

5.33 **Figure 12: 01 09 2020 date**

5.34 this image was captured *via* a drone survey in September 2020. It shows the configuration of the track at that date following works between March and July 2019. An alteration had taken place since July 2019, with the creation of a further loop in the north west sector of the site. The light toned marks on the grass to the south and south east of the site indicate the recent presence of parking or other facilities for a likely event, which lasted long enough to affect the growth of the grass in areas which were covered by structures, items or vehicles.

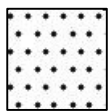


COMPARATIVE ANALYSIS: Length of the track 2009 - 2020

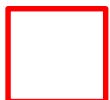
5.35 Figure 13: The track in 2009 and 2014

5.36 This figure shows the extent of the track in 2009 and 2014. It was created by digitising the extent of the track and the north western entrance way at both dates. The difference in the position of the southern boundary in 2009 and 2014 is also indicated.

5.37 The track at both dates is shown against the 2009 image to indicate changes in 2014, which are the addition of loops to the track as indicated and the moving of the southern boundary which took place between 2009 and 2012.



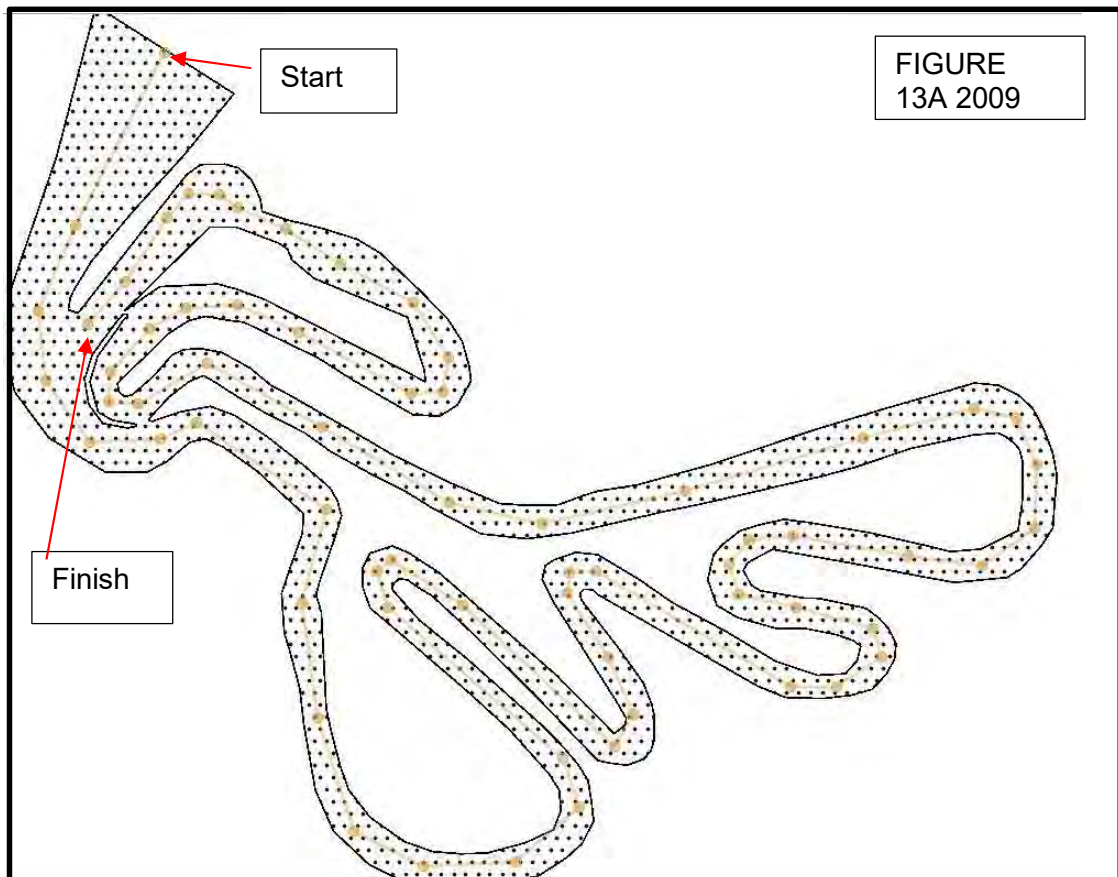
Track in 2009



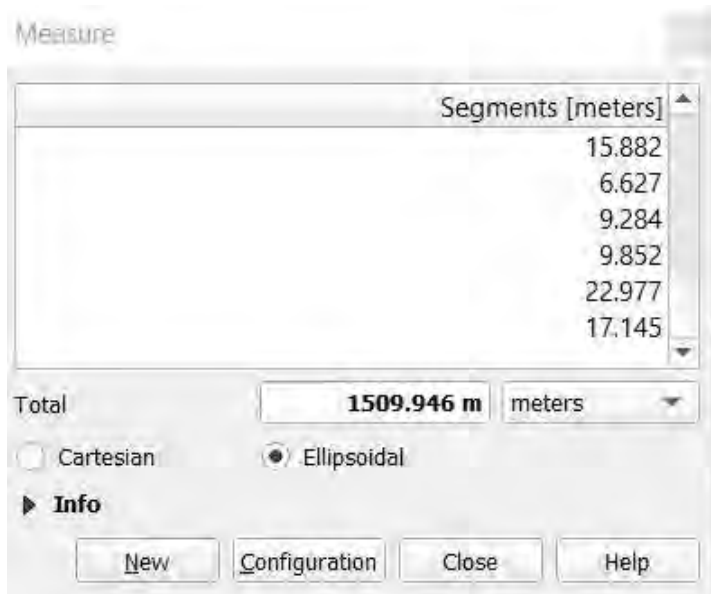
Track in 2014

5.38 I measured the length of the track as recorded from the air or satellite in May 2009, May 2014, May 2016, July 2019 and September 2020. I used the QGIS length measuring tool in metres and sought to maintain as consistent a line as possible and consistent start and finish points. The measurement is an indication only of the increase in length and is indicative of the visual results only. It is not guaranteed to sub-metre accuracy due to small differences in positioning between images, and differences in judgement and positioning of the measuring nodes on each occasion of measurement, as the track configuration changes. It is, however, a demonstrable indication of change.

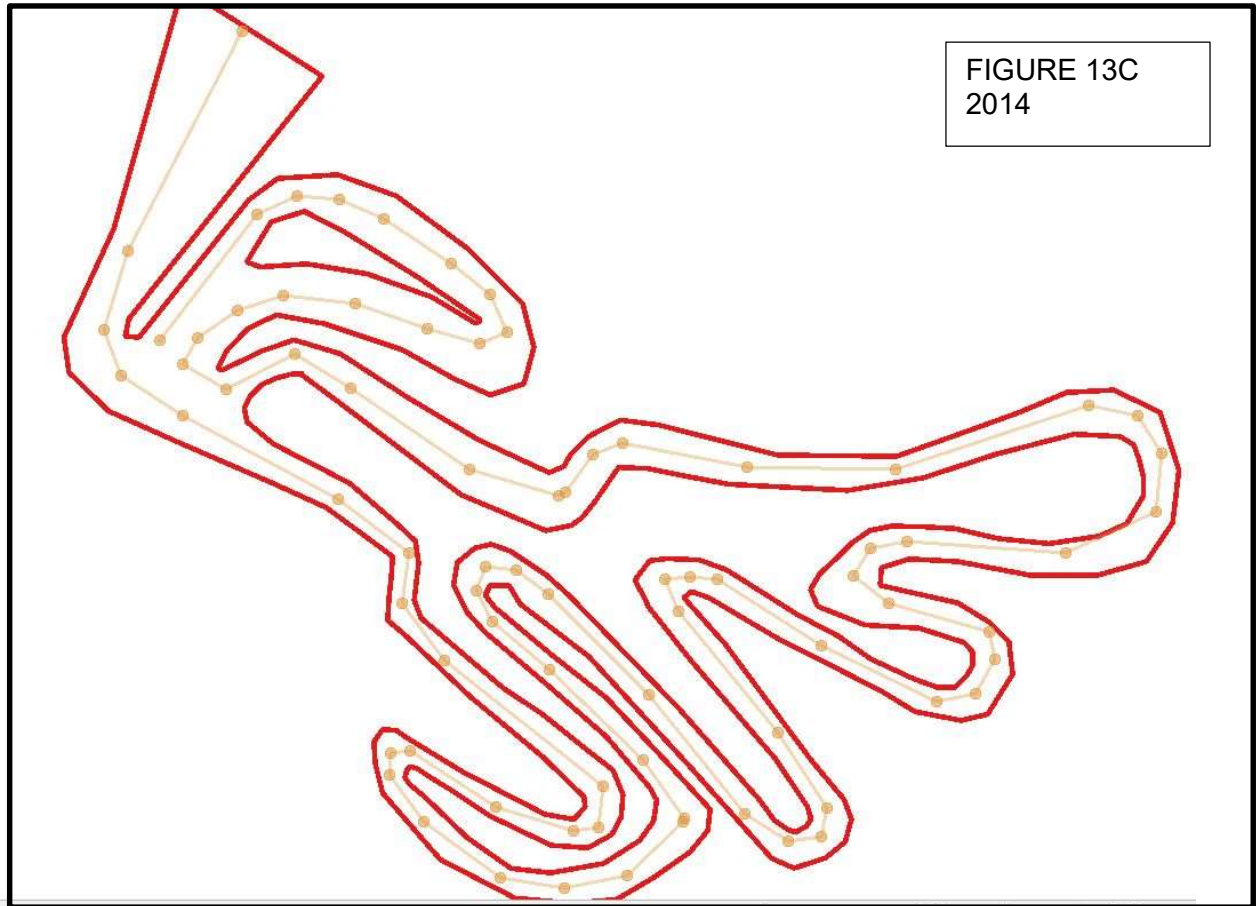
5.39 **Figure 13A 2009 length**



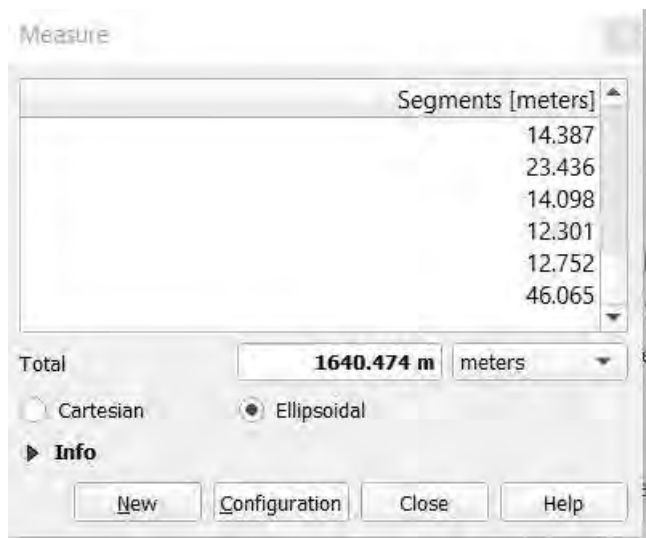
5.40 Figure 13B result 2009



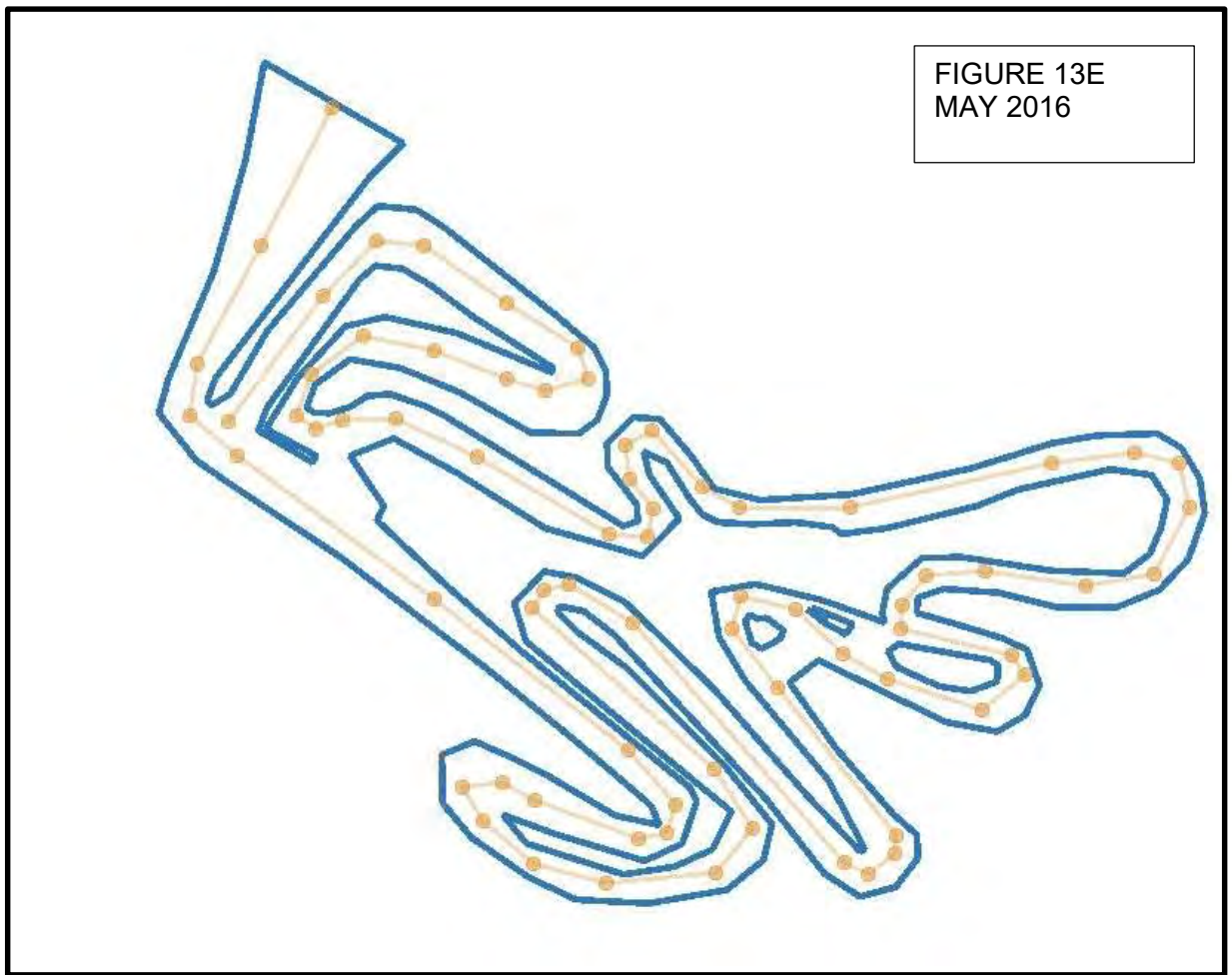
5.41 **Figure 13C 2014**



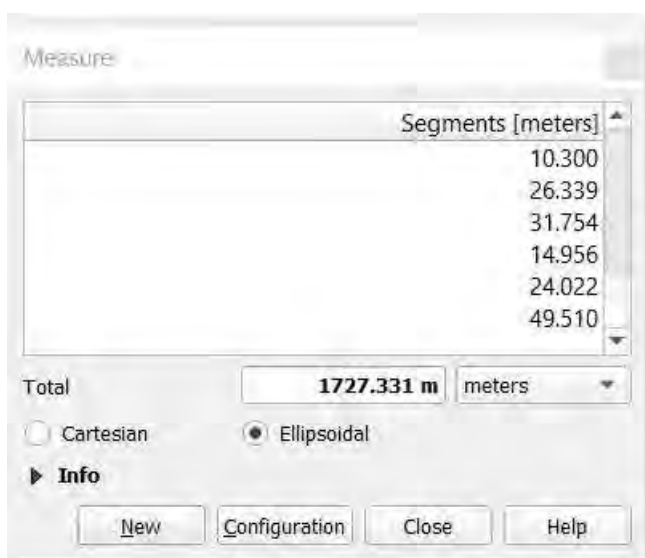
5.42 **Figure 13D result 2014**



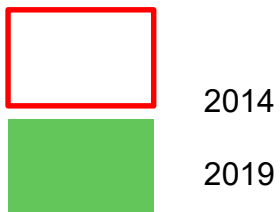
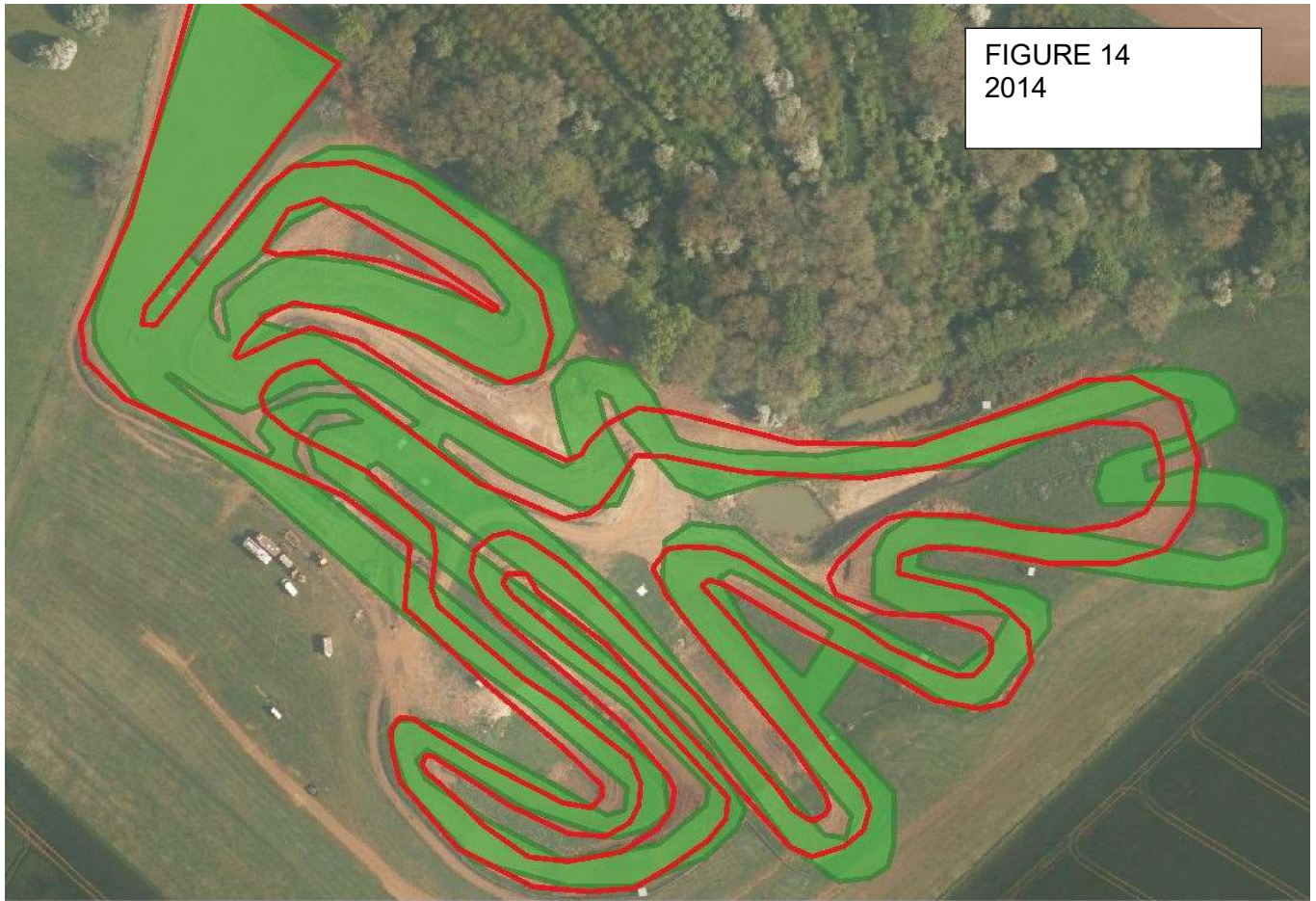
5.43 **Figure 13E May 2016**



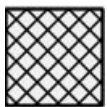
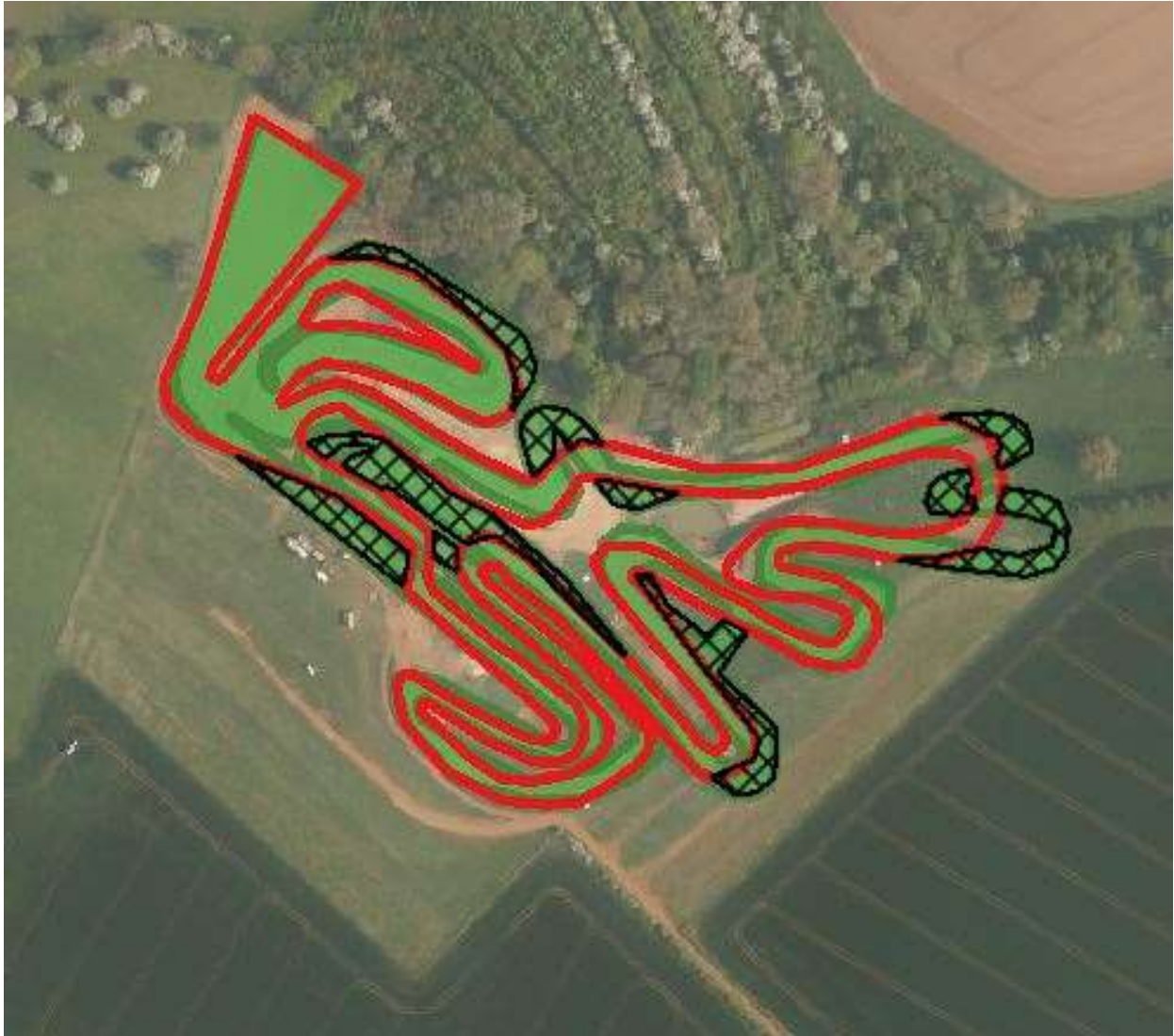
5.44 **Figure 13F result May 2016**



- 5.45 The above figures demonstrate considerable change in the track layout between 2014 and 2019, and ongoing relandscaping works in May 2016.
- 5.46 **Figure 14 2014 in comparison to July 2019 shown against 2014 image.** The areas which have changed and been added between 2014 and 2019 are shown at **Figure 14a** over the page.

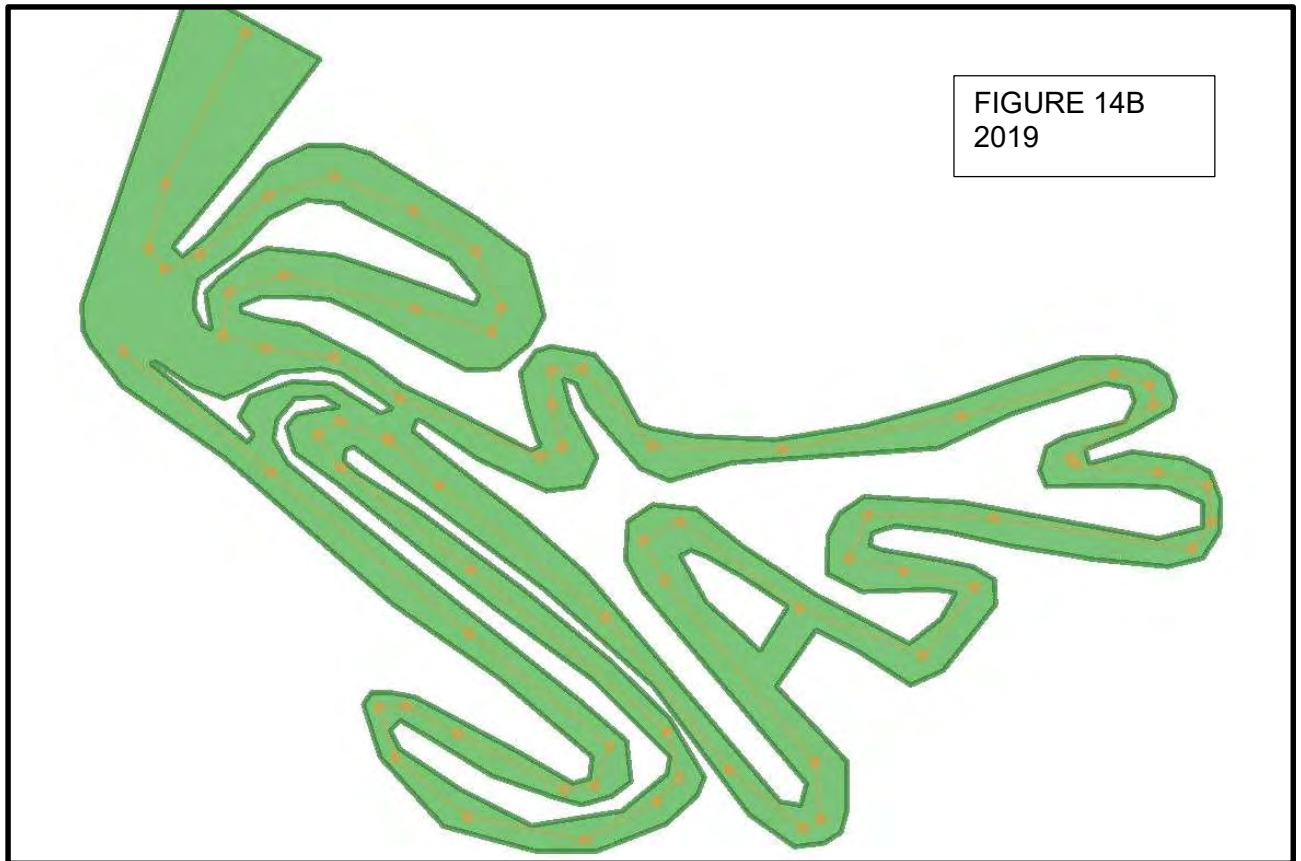


5.47 **Figure 14a** The areas which have changed and been added, rather than re-aligned slightly, between 2014 and July 2019 are shown in hachure to clarify that they are new additions to the track.

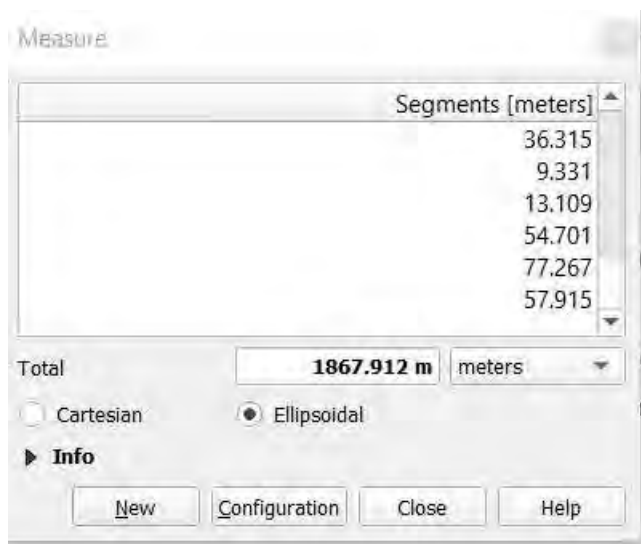


Areas which have been added since 2014, rather than re-positioned, to make new areas of track

5.48 **Figure 14B 2019 length of track, caveated as above**



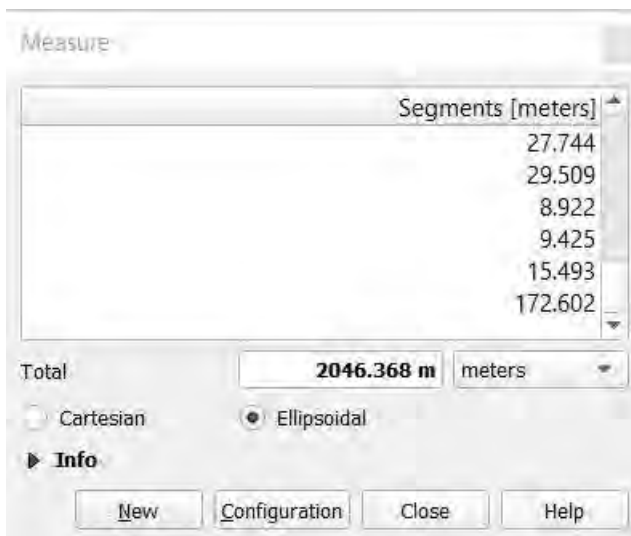
5.49 **Figure 14B 2019 length result.** There is a small length of track unmeasured in this diagram which adds approximately 34m to this measurement if it is to be counted as 'track'.



5.50 **Figure 15 2020 length of track caveated as above.** This is shown as a stand-alone image because the georeferencing is not perfect and it is included to account for the alteration to the track which took place between July 2019 and September 2020 and provide a measurement to account for this alteration.



5.51 **Figure 15A result 2020**



5.52 These measurements are tabulated below, conservatively, to account for slight positional differences and differences in positioning of the measuring cursor over the altered track route in 2009, 2014, 2019 and 2020. The cursor was positioned as centrally as possible to the track width, and it is

appreciated that slight differences may be noted dependent on where the cursor is positioned. However, the measurements do show a clear trend of increase in length..

5.53 They are backed up by the visual analyses which indicate beyond doubt that the track was altered between 2009 and 2020 to increase its complexity and length.

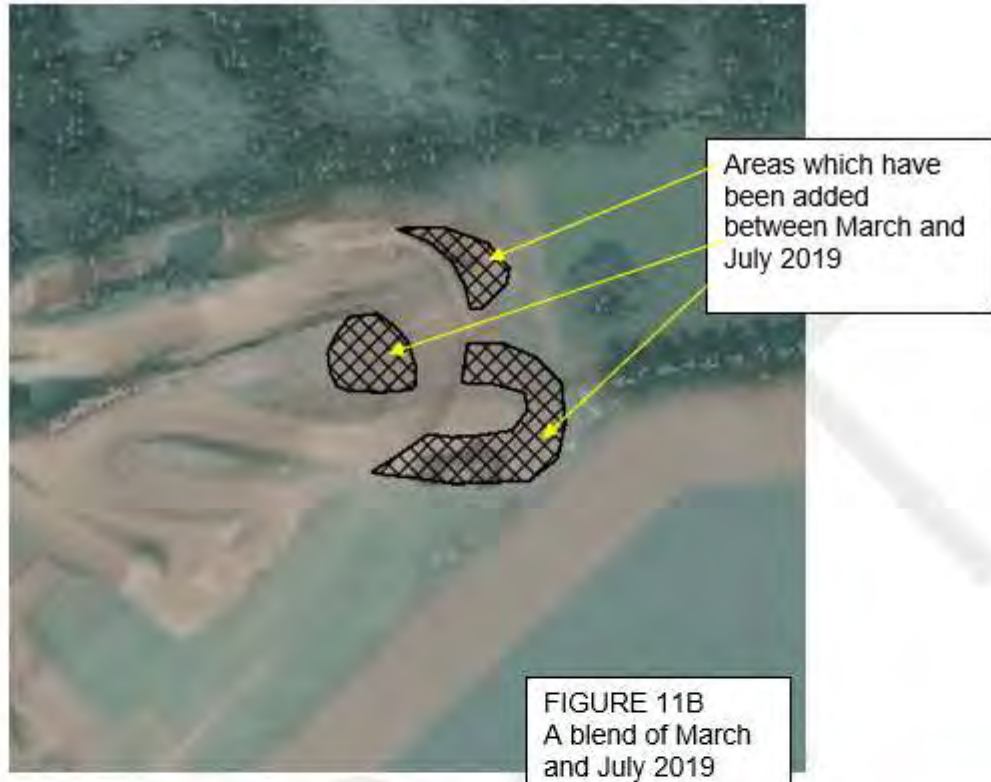
Year	Rounded to nearest decimal, caveated length indication
2009	c.1510m
2014	c. 1640m
2016	c. 1747m
2019	c. 1868m
2020	c. 2046m

5.54 In rounded terms, there has been an **increase in the length of the track between 2009 and 2020 from 1510 to 2046m which is an increase of c. 33% between those dates.**

5.55 **Development works took place:**

- between 2009 and 2012;
- 2014;
- May 2016, when extensive re-landscaping is ongoing;
- between March and July 2019 when additional loops were added to the NE part of the track. **This is shown at Figure 11, above, which is repeated below for clarity;** and
- between July 2019 and September 2020 when a loop was modified and added within the body of the track alongside further modifications and additions. This is shown above at Figure 14.

Changes between March and July 2019, after Figure 11



These images were blended to show the change to the north east loop in the track between 29 03 2019 and 04 07 2019.

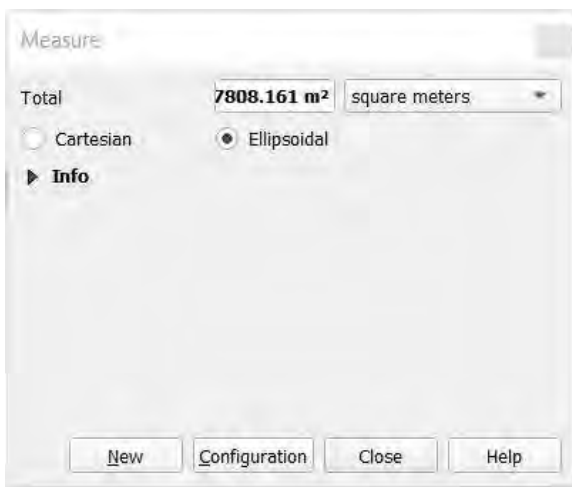
COMPARATIVE ANALYSIS: Area of the track, groundworks and access
2009, 2016 and 2020

5.56 The area which contains the track, associated areas of bare soil, groundworks and access ways was digitised and measured using the area measurement tool in QGIS.

5.57 **Figure 16 2009 the area of the track and all associated bare earth features**



5.58 **Figure 16a area of track groundworks and access ways 2009**

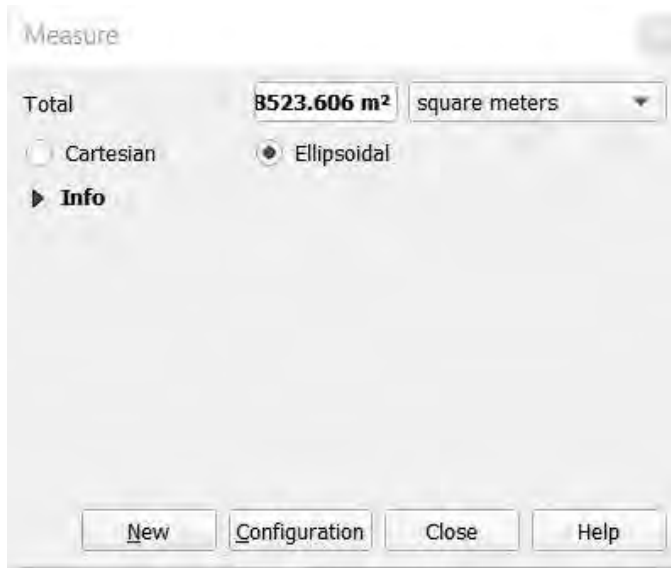


5.59

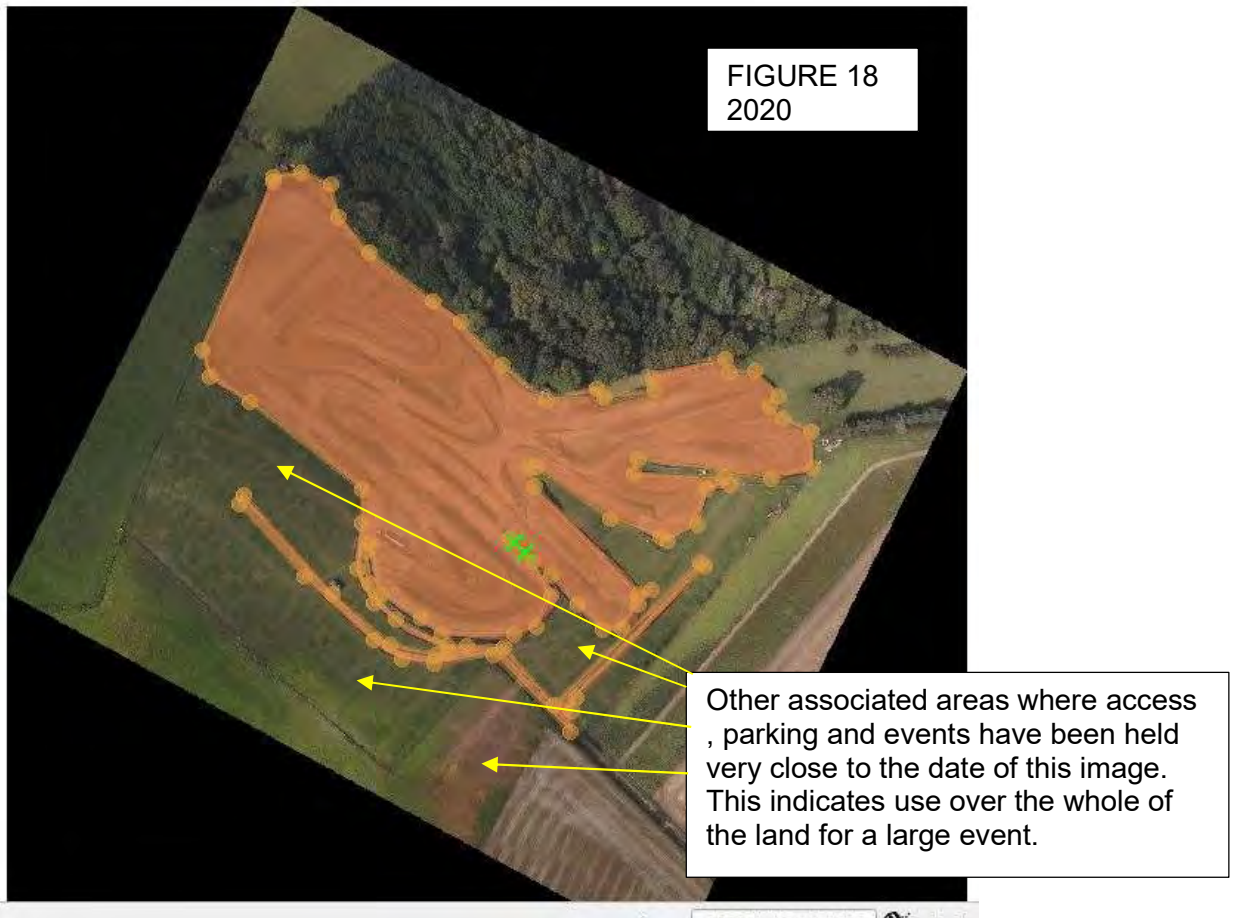
5.60 **Figure 17 4th May 2016, the area of the track and all associated bare earth features.**



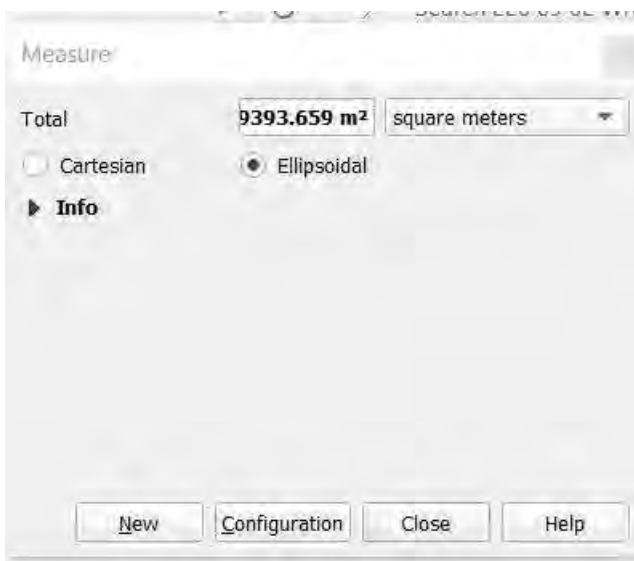
5.61 **Figure 17a 4th May 2016, the area of the track and all associated bare earth features**



5.62 **Figure 18 01 September 2020, the area of the track and all associated bare earth features**



5.63 **Figure 18A 01 September 2020, the area of the track and all associated bare earth features**



5.64 These measurements are tabulated below, conservatively, to account for slight positional differences and differences in positioning of the measuring cursor over the altered area in 2009, 2016, and 2020.

Year	Area of bare soil, track and associated features. Rounded to nearest decimal, caveated area indication
2009	c.7808 m ²
2016	c.8524 m ²
2020	c. 9394 m ²

6 CONCLUSION

- 6.1 The track increased in length, capacity, topographic variation and complexity between 2009 and 2020. This was achieved by a series of works which are documented above by the aerial images and Lidar data.
- 6.2 In rounded terms, there has been an increase in the length of the track between 2009 and 2020 from c.1510m to c.2046m.
- 6.3 In rounded terms, the areas of bare soil and 'land take' for works and associated events, access and off-track activities increased from c. 7808m² in 2009 to c.9394m² in 2020.
- 6.4 This was achieved *via* a series of works which were ongoing since change was first documented in 2012, then 2014. Landscaping works in 2016 achieved changes to the topography, with further changes in the configuration of new loops took place between March and July 2019 and between July 2019 and September 2020.
- 6.5 The 2020 configuration presents a more rugged, complex and topographically defined track with higher capacity for concurrent users and larger events.
- 6.6 There is ongoing evidence for the necessary accommodation, parking and off track activities associated with events at the site, and an area in the south and south east has been used for temporary structures, access and parking.
- 6.7 The southern boundary of the land was moved to the south between 2009 and 2012 which increased the size of the site as a whole.

7 EXPERT'S DECLARATION

I, Christine Diane Cox BA MA MCIfA FSA, declare that:

- 7.1 I understand that my duty in providing written reports and giving evidence is to help a Court, planning committee or inquiry, or Tribunal (hereafter referred as 'the recipient') and that this duty overrides any obligations to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied with and will continue to comply with my duty.
- 7.2 I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
- 7.3 I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
- 7.4 I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
- 7.5 I have shown the sources of all the information I have used.
- 7.6 I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
- 7.7 I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
- 7.8 I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers and other who have instructed me.
- 7.9 I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.

I understand that:

- 7.10 My report will form my evidence and may be given under oath or affirmation.
- 7.11 Questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth.
- 7.12 The recipient may at any stage direct a discussion to take place between experts for the purposes of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties.
- 7.13 The recipient may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing.

- 7.14 I may be required to attend Court, Planning Committee, Inquiry or Tribunal to be cross-examined on my report by a cross-examiner assisted by an expert.
- 7.15 I am likely to be the subject of public adverse criticism by a judge or planning inspector if the recipient concludes that I have not taken reasonable care in trying to meet the standards set out above.

I have read:

- 7.16 Part 35 of the Civil Procedure Rules and the accompanying Practice Direction and I have complied with their requirements.
- 7.17 The 'Protocol for Instruction of Experts to give Evidence in Civil Claims' and confirm that my report has been prepared in accordance with its requirements. I have acted in accordance with the Code of Practice for Experts.

8 STATEMENT OF TRUTH

- 8.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signature



Christine D Cox BA MA MCIfA FSA

29th September 2020

Christine Diane Cox BA MA MCIfA FSA
Director, Air Photo Services Ltd
The Shaftesbury Centre
Percy Street
Swindon
SN2 2AZ



APPENDIX Date authentication documents

2009

RECEIPT



Your order reference and invoice number is: 172537

Invoice Date: 09 September 2020

Product	Resolution	Image Date	Delivery	Unit Price	Qty	Total Price
25cm Legacy Aerial Photo	25cm	30/05/2009	Download	£31.92	1	£31.92
Products Total						£31.92
VAT						£6.38
Grand Total						£38.30

Terms: PAID

Payment Date: 09 September 2020

2012



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www.aerialphotography.com

SPECIALISTS IN AERIAL PHOTOGRAPHY

NUNSBROUGH HOUSE, HEXHAMSHIRE,
NORTHUMBERLAND, NE46 1SY
TEL. 01434 673111 • MOBILE 07860 783183
E-MAIL info@airimages.co.uk



F.a.o. Mr R Corke
The Cottage
Church Lane
Hornton
OX15 6BY

29th June 2020

Dear Mr Corke,

Aerial Photography – Hornton OX15 6HX

Location Grid Reference: 438802, 243773

Image Reference: OS_20120523CM00884821

Thank you for your recent order for archive aerial photography.

I confirm that the photograph supplied, reference above, was taken on the following date:

23rd May 2012

Please do not hesitate to contact me if you require further assistance.

Yours sincerely,



Rachel Henderson,
Director.

2014



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www.aerialphotography.com

SPECIALISTS IN AERIAL PHOTOGRAPHY

NUNSBROUGH HOUSE, HEXHAMSHIRE,
NORTHUMBERLAND, NE46 1SY
TEL 01434 673111 • MOBILE 07980 783183
E-MAIL info@airimages.co.uk



F.s.c. Mr R Corke
The Cottage
Church Lane
Hornton
OX15 6BY

29th June 2020

Dear Mr Corke,

Aerial Photography – Hornton OX15 6HX

Location Grid Reference: 438802, 243773

Image Reference: GM_20140516CM00884821

Thank you for your recent order for archive aerial photography.

I confirm that the photograph supplied, reference above, was taken on the following date:

16th May 2014

Please do not hesitate to contact me if you require further assistance.

Yours sincerely,



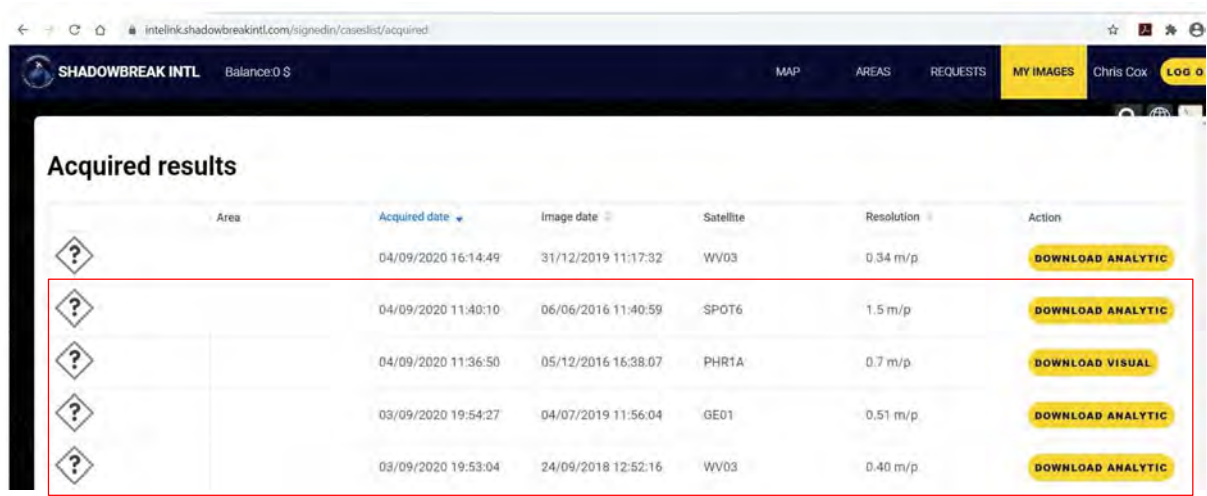
Rachel Henderson
Director

2015



Area	Acquired date	Image date	Satellite	Resolution	Action
?	04/09/2020 20:52:51	15/04/2015 11:55:20	SPOT6	1.5 m/p	DOWNLOAD ANALYTIC

2016, 2018 and 2019



Area	Acquired date	Image date	Satellite	Resolution	Action
?	04/09/2020 16:14:49	31/12/2019 11:17:32	WV03	0.34 m/p	DOWNLOAD ANALYTIC
?	04/09/2020 11:40:10	06/06/2016 11:40:59	SPOT6	1.5 m/p	DOWNLOAD ANALYTIC
?	04/09/2020 11:36:50	05/12/2016 16:38:07	PHRTA	0.7 m/p	DOWNLOAD VISUAL
?	03/09/2020 19:54:27	04/07/2019 11:56:04	GE01	0.51 m/p	DOWNLOAD ANALYTIC
?	03/09/2020 19:53:04	24/09/2018 12:52:16	WV03	0.40 m/p	DOWNLOAD ANALYTIC

2016 4th May



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SPECIALISTS IN AERIAL PHOTOGRAPHY

NUNSBROUGH HOUSE, HEXHAMSHIRE,
NORTHUMBERLAND, NE46 1SY
TEL. 01434 673111 • MOBILE 07860 783183
E-MAIL info@airimages.co.uk



F.a.o. Mr R Corke
The Cottage
Church Lane
Hornton
OX15 6BY

21st September 2020

Dear Mr Corke,

Aerial Photography – Hornton OX15 6HX

Location Grid Reference: 438802, 243773

Image Reference: 172642-1_RGB

Thank you for your recent order for archive aerial photography.

I confirm that the photograph supplied, reference above, was taken on the following date:

4th May 2016

Please do not hesitate to contact me if you require further assistance.

Yours sincerely,

Rachel Henderson
Director.

2017 US date format at Google Earth



Evidence of the number of fixtures at the Wroxton track

The key period we need to examine in this application is the period from July 2010 to July 2020.

2010 is only half a year's worth of activity and 2020 has been hit by the Covid-19 pandemic, so we are not including them in this analysis

Mr Pounder, in his sworn evidence, claims that the following number of meets – by which we presume he means days of racing – took place:

Year	Number of meets
2011	21
2012	20
2013	14
2014	15
2015	16
2016	17
2017	21
2018	22
2019	20

We decided to find out whether this list could be corroborated by making the most exhaustive possible search of online and other sources from 2011 to 2019. Motocross is not a sport like cricket, which has *Wisden* recording every result. However, by going to every available source, we believe we have drawn up the fullest and most accurate list possible.

The nine sources we used were as follows:

- pages from the Banbury Motocross website, www.banburymotocrossclub.co.uk. By using the *Wayback Machine* website at <https://archive.org/web> (WBM in the chart below), which takes snapshots of websites, we were able to go right back to 2011
- the events index of *Actionsport Photography*, a leading sports photography agency specialising in motocross
- *YouTube*; motocross participants are great fans of *YouTube* and someone posts clips of almost every meeting on the site, with a date of the meet; we have examined every *YouTube* film shot at a race on the site but have only included those where a specific date for the meeting, rather than the date of posting the clip, is included
- The *RZR Racing* website, featuring the British Championship series at <http://www.rzrracing.co.uk/>
- *TMX News*, the leading motocross magazine – www.tmxnews.co.uk
- *Dirt Bike Rider* magazine – www.dirtbikerider.com
- The Banbury Motocross Club Facebook Group page, which is a closed group but we have obtained access to all its postings from when it was set up in 2015
- The *SpeedhiveMylaps* website at <https://speedhive.mylaps.com/>. This was set up by a leading manufacturer of transponders that are used by MX riders to confirm their speed and position in races. It also contains an extensive list of results and meetings
- A Banbury Motocross Club fixture list for 2019 handed to people whose property is next door to the track

The existence of most meetings can be verified by more than one source but, for clarity, we have only cited one source in the chart at the bottom of this report.

Below is Mr Pounder’s list of meets in his statutory declaration of July 23, 2020, and an additional column in red showing the number of days racing that we were able to find from the above nine sources.

Year	Number of meets	Number of days racing we were able to find
2011	21	10
2012	20	12
2013	14	6
2014	15	7
2015	16	10
2016	17	11
2017	21	17
2018	22	23
2019	20	26

Conclusion

It is possible a handful of meetings listed below did not take place at the last minute and also possible that there are some meetings that “slipped through the net” and are not included, though we think the latter is unlikely, given that much of the information comes from sources emanating from the applicants.

However, the disparity between the nine sources of information we have found and Mr Pounder’s list is striking. It corresponds closely with his list only in the last two years. Indeed, in 2018 and 2019 we have found more days racing than he claims took place, which may be accounted if a few of the meetings advertised did not take place.

But for the rest of the years in question, we found compelling evidence that fewer meetings – often substantially fewer – took place than Mr Pounder is claiming in his sworn declaration.

Moreover, we could not find any evidence that that the operators of the track breached the 14 days allowed under permitted development in any year until 2017.

This would accord with our experience in Hornton: 2017 was the year when we first began to sense there was a problem.

The detailed results are below.

DATE	TYPE OF EVENT	SOURCE
2011		
February 27	Banbury MXC	Actionsport Photography Events index
March 20		https://www.youtube.com/watch?v=I8HIV-uoKA0

May 29	Banbury MXC	Actionsport Photography Events index
July 3	Banbury MXC	Actionsport Photography Events index
July 23	Banbury MXC England v Wales	Actionsport Photography Events index
Sept 3&4	BSMA girls national at Wroxton	Actionsport Photography Events index
Sept 10	BSMA girls national at Wroxton	
October 9	Banbury MXC	Actionsport Photography Events index
October 23		https://www.youtube.com/watch?v=b9rt_5eUsZw
2012		
Feb 26	Adult Warm up	WBM 10.2. 2012 for www.banburymotocrossclub.co.uk
April 8	Banbury MXC	Actionsport Photography Events index
May 26/27	British Schoolboy Motocross Association (BSMA) Golden Tyre Cup Round 3 @ Wroxton,	
March 25	British Side x Side ACU Nora Championship	Www.rzracing.co.uk/tag/wroxton-racing/
June 24	Adult Round 6	WBM 10.2. 2012 for www.banburymotocrossclub.co.uk
July 15	Banbury MXC	Actionsport Photography Events index
July 29	Schoolboy Round 7	WBM 10.2. 2012 for www.banburymotocrossclub.co.uk
Sept 8/9	Girls National	https://www.tmxnews.co.uk/columnists/calling-all-you-ladies/
Sept 16	Nora MX	
Nov 18		https://www.youtube.com/watch?v=XDrlekge8WE
2013		
March 31	Banbury MXC	Actionsport Photography Events index
April 22	Nora MX	https://www.tmxnews.co.uk/columnists/new-prize-cash-deal/
May 19	Championship round 3 Adult series groups will now be 85 sw/bw, youth, a,b,c. 2 stroke, over 35s, open group for prize money	WBM 18.5.2013 for www.banburymotocrossclub.co.uk
May 25	GT Cup Round 4	https://www.dirtbikerider.com/news/motocross/race-report-gt-cup-rd4-wroxton/
July 7	Schoolboy	WBM 27.7.2013 for www.banburymotocrossclub.co.uk
Sept 27	Nora MX	https://www.tmxnews.co.uk/columnists/call-to-culham/

2014		
March 30		https://www.youtube.com/watch?v=mJxFEGYXHyE
April 20	Banbury MXC	Actionsport Photography Events index
August 24	Banbury MXC	Actionsport Photography Events index
Sept 7	The track schedule for the 2014 NORA-MX championship	https://www.tmxnews.co.uk/columnists/nora-tracks-revealed/
Sept 20/21		https://www.youtube.com/watch?v=7-Or-uVMTew https://www.youtube.com/watch?v=2ivh9--BAAQ
Oct 12	Banbury adult round	https://www.youtube.com/watch?v=T3EIIAcPJUl
2015		
April 5/6		https://www.youtube.com/watch?v=le377KifQoM
May 31	Banbury MXC	https://www.youtube.com/watch?v=6zB3qslq7xg
June 27	Banbury MXC	Actionsport Photography Events index
July 12		https://www.youtube.com/watch?v=tLHM2U5qNJA
August 15	BSMA finals	https://speedhive.mylaps.com/
August 30		https://www.youtube.com/watch?v=H7IZjJ87Bik
Sept 9		https://www.youtube.com/watch?v=9V0X30jg_mQ
Oct 4	Under 35s	https://www.youtube.com/watch?v=4S4xSIIF8ag
Nov ?	Banbury MXC	Banbury Motocross facebook post
2016		
March 6	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
April 16	Bridgestone Rd 2	https://speedhive.mylaps.com/
May 1&2	2 day series fixture	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
May 15		https://www.youtube.com/watch?v=uy9gcu4NLRc
June 5	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
June 18	Wroxton Rd7 (SWS Rd 3)	https://speedhive.mylaps.com/
July 10	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
August 21	Schoolboy championship	WBM 9.1.2016 for www.banburymotocrossclub.co.uk
October 23		https://www.youtube.com/watch?v=CXB9m9-MD9c
October 30	Wroxton W/S Rd 2	https://speedhive.mylaps.com/

2017		
Feb 19	Winter series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
March 5	Winter series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
March 18/19	Bridgestone BSMA Championship - Rd 1 Wroxtton	https://www.tmxnews.co.uk/news/motocross/whats-on-uk-trials-motocross-and-enduro-events-180317-260317/
April 2	Winter series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
April 16/17	Two day trophy meeting	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
May 14	Winter series final meeting	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
May 21	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
June 10	Wroxtton 2 Dayer Round 4 (SWS)	https://speedhive.mylaps.com/
June 18	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
July 9	AMCA (08 SOUTH) Stroud	https://speedhive.mylaps.com/
August 6	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
August 12/13	EASSC Summer CC Round 7&8	https://speedhive.mylaps.com/
Sept 9	Girls National Round 2	https://speedhive.mylaps.com/
October 15	Summer series	WBM 27.4.2017 for www.banburymotocrossclub.co.uk
2018		
Feb 18	Winter series	WBM 3.11.2017 for www.banburymotocrossclub.co.uk
March 4	Winter series	WBM 3.11.2017 for www.banburymotocrossclub.co.uk
March 18	Winter series	WBM 3.11.2017 for www.banburymotocrossclub.co.uk
April 1/2		BMX fixture list Facebook
April 15	Winter series	WBM 3.11.2017
May 6		BMX fixture list Facebook
May 12	Bridgestone British Maters	https://speedhive.mylaps.com/
June 10		https://www.youtube.com/watch?v=kH-9FsJh-4w
June 16	Summer series	WBM 28.3.2018 for www.banburymotocrossclub.co.uk
June 17	Portsmouth MX (MCF). Rd 8 Club Summer MX Series at	https://www.tmxnews.co.uk/whats-on/motocross-events-25-06-2018/

	Wroxton (OX15 6EU). Free camping.	
June 30	BSMA National	https://speedhive.mylaps.com/
July 8	AMCA (08 SOUTH) Stroud	https://speedhive.mylaps.com/
July 22	85 SW/BW, Youth 125/250F, Under 35, Over 35/45, B, C, 2 strokes	WBM 25.7 2018 for www.banburymotocrossclub.co.uk
August 4/5	EASSC	https://speedhive.mylaps.com/
August 19	Hampshire MXC. Club MX Champs at Wroxton (OX15 6EU). Jim Webber. 07825- 018023.	https://www.tmxnews.co.uk/whats-on/motocross-events-27-08-2018/
Sept 2	Mis Sussex Mcc Round 11	https://speedhive.mylaps.com/
Sept 16	Kensworth SMX. Open Adult & Youth MX at Wroxton, Oxfordshire (OX15 6HH).	https://www.tmxnews.co.uk/whats-on/motocross-events-23-09-2018/
October 7	85 SW/BW, Youth 125/250F, Under 35, Over 35/45, B, C, 2 strokes	WBM 3.5.2018 for www.banburymotocrossclub.co.uk
October 13	Compass Cup 2018 Mid Sussex MCC	https://speedhive.mylaps.com/
October 20	Summer series	WBM 28.3.2018 for www.banburymotocrossclub.co.uk
November 3	Summer series	WBM 28.3.2018 for www.banburymotocrossclub.co.uk
2019		
Feb 24	Winter series	WBM 28.10.2018 for www.banburymotocrossclub.co.uk
March 10	Winter series	WBM 28.10.2018 for www.banburymotocrossclub.co.uk
March 24	Nora-MX. Open Quad	https://www.tmxnews.co.uk/whats-on/motocross-events-31-03-2019/
April 14	Winter series	WBM 28.10.2018 for www.banburymotocrossclub.co.uk
April 28	Winter series	WBM 28.10.2018 for www.banburymotocrossclub.co.uk
May 11/12	Rd 3 Bridgestone British Masters MX Series	https://www.tmxnews.co.uk/whats-on/motocross-events-19-05-2019/
May 26		Banbury MX fixture list handed to neighbours
June 9	Westermans International British Women's Motocross	WBM 11.1.2019 https://www.tmxnews.co.uk/news/motocross/

	<p>Championship headed to Wroxton Moto Parc in Banbury for round four.</p> <p>A completely different track which suited a lot more riders and produced some of the most exciting and spectacular racing of the series so far.</p>	<p>wroxton-report-british-womens-motocross-championship/</p>
June 16	Summer series	WBM 11.1.2019 for www.banburymotocrossclub.co.uk
June 29	Mid Sussed Mcc Round 7	https://speedhive.mylaps.com/
July 6/7	EASSC	https://speedhive.mylaps.com/
July 20/21	BSMA Apico National Round 4	https://speedhive.mylaps.com/
August 10/11	August 10/11: Portsmouth MXC (MCF); Rd 13 Summer MX Champs & Brad #23 Fundraiser, auto to adult, at Wroxton.	https://www.tmxnews.co.uk/whats-on/motocross-events-11-08-2019/
August 18	August 18: Hampshire MXC (MCF); Club MX Champs, 85cc, rookie, adult AB, vet o40 & vet o50, at Wroxton (OX15 6EU).	https://www.tmxnews.co.uk/whats-on/motocross-events-18-08-2019/
August 25	Mildenhall. MX club	https://www.youtube.com/watch?v=0wINslzvgcE
Sept 14/15	Girls national 2019	https://speedhive.mylaps.com/
Sept 22	EASSC Summer CC Rd 11	https://speedhive.mylaps.com/
October 6		Banbury MX fixture list handed to neighbours
October 20	Summer series	WBM 11.1.2019 for www.banburymotocrossclub.co.uk
Nov3	Summer series	WBM 11.1.2019 for www.banburymotocrossclub.co.uk
Nov 10	Wroxton Round 3	https://speedhive.mylaps.com/



Like

Comment

Share



Mike Allport is at Wroxton Motocross Track.

Yesterday at 08:06 · Banbury · 🌐



2 pics of the first lap of the over 45s trying to work out the new Wroxton layout! 🤔



👍 62

5 comments

Like

Comment

Share



Lia Roberts is with Hollie Roberts and 2 others at Wroxton Motocross Track.

23 August at 21:58 · Banbury · 🌐



BSMA NATIONALS @ Wroxton MX Track

Day 1, went out in qualifying, showing us she can really can do this... amazing results. Completed 3 races, giving 100% little areas that needed talking through but she worked so hard 🙌... up against a strong lineup, finishing 19th, 20th, 21st for the day.

Day 2, practice went well, then for the racing, race 4 WOW!! Amazing riding showing off all her abilities, Never giving up and fighting 🙌 to the bitter end.... so much dad couldn't even watch!!

Race 5 OMG what a wash out, just off the line and heavens opened, it poured down making track like an ice rink. Bikes all over the place, riders falling off everywhere, but Hollie kept trying that extra bit harder, again never giving up... but fell on an un-



The ACU is the No 1 organisation for all forms of Motorcycle Sport in the UK with 550 [Clubs](#) organising over 3000 events each year & the only Body affiliated to the FIM



Telephone: **01788 566400**

Email: admin@acu.org.uk

[\[READ THE CURRENT ACU COVID-19 STATEMENT HERE\]](#)

Due to the current health crisis our offices are closed until further notice. If you have a query, or need to contact us for any reason, please email admin@acu.org.uk and it will be forwarded to the relevant department.

Great start to the Nora MX season at Wroxton

Tuesday March 26, 2019 at 2:58pm

After a 5-year layoff Nora-Mx eventually managed to return to their most favourite track of all time! Thanks to circuit owner Brian Pounder from Banbury club the new Wroxton is now better still! Before racing commenced, track prep, layout and a Barrel load of sun was going to make for a good days racing!

Over 160 riders where keen to show off their new machines, gear and campers for 2019.

Lots of smiling faces before, during and hopefully on the way home too! A terrific start for the Nora Club in 2019.

There was equally as much excitement in all 6 groups and sub groups which made for some excellent racing thought out the 18 races on the day.

The pro class kept all spectators on their feet with a masterclass from the leading trio of McLernon, Callaway and Walker with two photo finishes.



BSMA 2020
Champion of Champions

Wroxton

22 - 23 August

If you are booked into ride Wroxton with the BSMA this weekend and do not have BSMA licence could you please make sure you complete your day licence on the BSMA website

**www.bsmamx.co.uk
before the event**

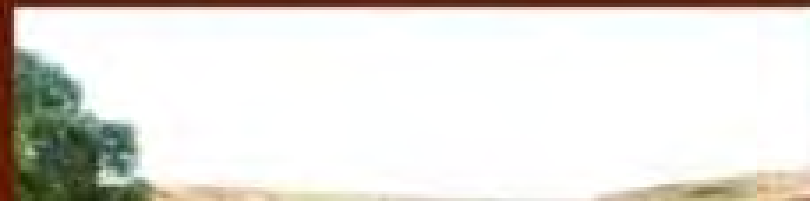
For more details please call the BSMA office

07436 563 264

www.bsmamx.co.uk



you have to feel the seat, you ride with the seat!



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Banbury mx

Private group · 9.3K members



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Jessica Pounder

Admin · 14 June · 🌐



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About

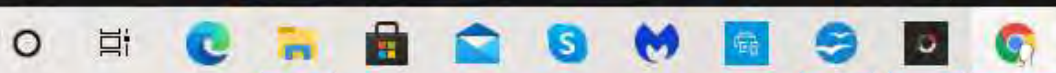
🔒 Private

Only members can see who's in the group and what they post

👁 Visible

Anyone can find this group.

👤 General group



Any country ▾ 1 Jan 2009 – 31 Dec 2015 All results ▾ Clear



A privacy reminder from Google

To be consistent with data protection laws, we're asking that you take a moment to review key points of our Privacy Policy, which covers all Google services and describes how we use data and what options you have. We'll need you to do this today.

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www.totalmx.co.uk › [tracks](#) › [motocross-tracks-in-banb...](#) ▾

Motocross Tracks in Banbury - Total MX

25 Jun 2011 - Looking for a **motocrosstrack** near **Banbury** or in the surrounding areas. ... **Wroxton Motocross Track** ... New for **2011**, the track has been totally revamped.



Banbury mx



Mike Hewlett yeah I did see that today! Was thinking of ridding but going Saturday instead 🙌

Like · Reply · 21 h



Stuart McClurg
Sam Anthony Waterman

Like · Reply · 19 h



Sean Kettlewell
Hi Dawn Pounder is there camping tomorrow night? If so what time do the gates close? Thank you

Like · Reply · 16 h



Dawn Pounder 
Sean Kettlewell yes camping from 5pm

Like · Reply · 16 h



Sean Kettlewell
👍 perfect thanks

Like · Reply · 16 h

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BANBURY MX 2019

	DATE	VENUE
WINTER SERIES RD 1	FEB 24 TH	WROXTON
WINTER SERIES RD 2	MARCH 10 TH	WROXTON
WINTER SERIES RD 3	APRIL 14 TH	WROXTON
WINTER SERIES RD 4	APRIL 28 TH	WROXTON
SUMMER SERIES RD 1	MAY 19 TH	BROOKTHORPE
SUMMER SERIES RD 2	JUNE 2 ND	GRITTENHAM
SUMMER SERIES RD 3	JUNE 16 TH	WROXTON
SUMMER SERIES RD 4	JULY 14 TH	BROOKTHORPE
SUMMER SERIES RD 5	AUGUST 4 TH	BUSHTON
SUMMER SERIES RD 6	AUGUST 24 TH	MILDENHALL
SUMMER SERIES RD 7	AUGUST 25 TH	MILDENHALL
SUMMER SERIES RD 8	SEPTEMBER 29 TH	GRITTENHAM
SUMMER SERIES RD 9	OCTOBER 20 TH	WROXTON
SUMMER SERIES RD 10	NOVEMBER 3 RD	WROXTON

WINTER SERIES - 3 OUT OF 4
 SUMMER SERIES - 8 OUT OF 10
 MUST BE A CLUB MEMBER TO QUALIFY
 DATES ARE SUBJECT TO CHANGE
 NO FIRES OR BBQ (GAS PERMITTED)
 TYRES MUST BE TAKEN HOME AND NOT IN SKIP
 ALL MEMBERS MUST SUPPLY A MARSHAL ONCE A YEAR
 ALL UNDER 16S MUST HAVE A FULL LICENCE AND NECK PROTECTION

Back	Alt+Left Arrow
Forward	Alt+Right Arrow
Reload	Ctrl+R
Save as...	Ctrl+S
Print...	Ctrl+P
Cast...	
Translate to English	
View page source	Ctrl+U
Inspect	Ctrl+Shift+I

Illuminating extracts from Banbury MX/Wroxton track Facebook pages - posted spring and summer 2020

As of June 2020, the Banbury MX Facebook page had 9,217 members

Evidence of new development and further enlargement in 2019- 2020:



This is the track photograph carried as the masthead of the Banbury MX Facebook page in 2020

HERE WE SEE THAT THEY WERE ON SITE ON SUNDAY 14 JUNE, DURING THE LOCKDOWN PERIOD, TO TEST THE TRACK AND DO MORE WORK ON IT. YET MORE EVIDENCE THAT THE TRACK NEVER REVERTS TO BEING AGRICULTURAL LAND:

Jessica Pounder

Admin 50 mins Sun 14 June

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Banbury MX:

[Dawn Pounder](#)

[Admin](#) 16 May at 14:48

Hi everyone hope your continuing to keep safe and well during these difficult times?! Just checking in and letting you know we are ready and waiting for Boris to give us the green light!

We have taken this opportunity to add the finishing touches to Wroxton, it sure has had TLC! Check out the video below (after the triple) we will update with more pics tomorrow ??

[Jessica Pounder](#)

[Admin](#) 17 May at 17:19

Jumps in the middle

Now a roller/ski into a bigger table top?

[Joe Smith](#) How long is big table

[Wesley D G Webb](#) [Joe Smith](#) I'd say 80ft

[Jessica Pounder](#) [Wesley D G Webb](#) Not measured dad just got carried away with the dirt,

[Wesley D G Webb](#) got to be around that I'd say

[Jessica Pounder](#)

[Admin](#) 17 May at 17:24

Triple has a nice new face to it? ...

[Nathan Jones](#) [Jessica Pounder](#) does this open for practice days

[Jessica Pounder](#) We run race meetings typically March time till Oct and then squeeze a handful of practice days in nov if the weather allows

[Andrew Hayes](#) Amazing track I cannot wait to race there again! Last time I raced was here on remembrance Sunday....

[Paul Bale](#) [Ben Jenkinson](#) that's how they run there club, and it's a good club and an excellent track

[Ben Jenkinson](#) [Paul Bale](#) how much for club membership as id pay to ride this track like

[Wesley D G Webb](#) [Ben Jenkinson](#) membership is £50 I think bud and that's for the year, then you pay £40 or £45 for each round you race ...

[Ian Rj Smith](#) Omg just seen it on fb looks bloody awesome ? ...

Crucial evidence of work being done on the track that is NOT just about safety improvements:

Wroxton Motocross Track – Facebook page:

[Jonnie Hodgkinson](#) recommends [Wroxton Motocross Track](#). 5 December 2019

Fantastic facility, always well prepared, toilets and a tank to empty your chemical toilet. No water supply though. Plenty of parking too

[Alex Mx](#) recommends [Wroxton Motocross Track](#). 9 March

Best track I've ever rode

[Jessica Pounder](#)

[Admin](#) · 1 hr 14 June

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Example of how a weekend meeting lasts 3-4 days:

Parishioner's email to neighbours on Friday 24 July 2020:

Camping is from 5pm tonight, Friday - so that is THREE days use of the site this weekend - they will be setting up now before most people start to arrive at 5, plus de-rig/clean-up on Monday. Here's what the Facebook page was saying yesterday, 23 July:



Walnut Bank
Bell Street
Hornton
OX15 6DB

17/9/20

Re: Wroxton Heath Motocross track event this weekend

Dear Mr Peckford,

I wanted to make you aware that, despite the LCD application currently in progress and all the claims made by the applicant, that I have today witnessed earthworks being undertaken at the motocross site and a friend witnessed the same yesterday.

This weekend will see the fourth large meeting being held at the site during the Covid pandemic. The Banbury MX Club – the home user and host club - are unable to use the track as their racing body ORPA are not issuing licences due to the pandemic.

Instead the track owner and manager are allowing distant clubs, who ride under a different governing body, the ACU, from all over the country to use it and this weekend will see a tranche of people and support vehicles arriving from Gest Hastings MCC on Saturday evening from 5pm and Sunday morning from 7am all the way from East Sussex.

So much for a peaceful evening in the garden on Saturday or lay in on Sunday morning for houses on the adjacent road and villages!

All the information is on their Facebook page: Gest Hastings Motocross Club.

The ACU guidance to clubs includes the note: “... *but, initial Local Authority approval will still be required prior to any planned event as there may be increased local measures in place that differ from national guidelines*”

One wonders if you have given this approval?

In light of the new pandemic restrictions being imposed across the country including a large part of the North East today, the on-going LCD application process, which has already thrown up evidence of unauthorised works on the site which have significantly extended and intensified the track, **surely now is the time for you to take action and temporarily call a halt to meetings and earthworks taking place at the site until all these matters are resolved.**

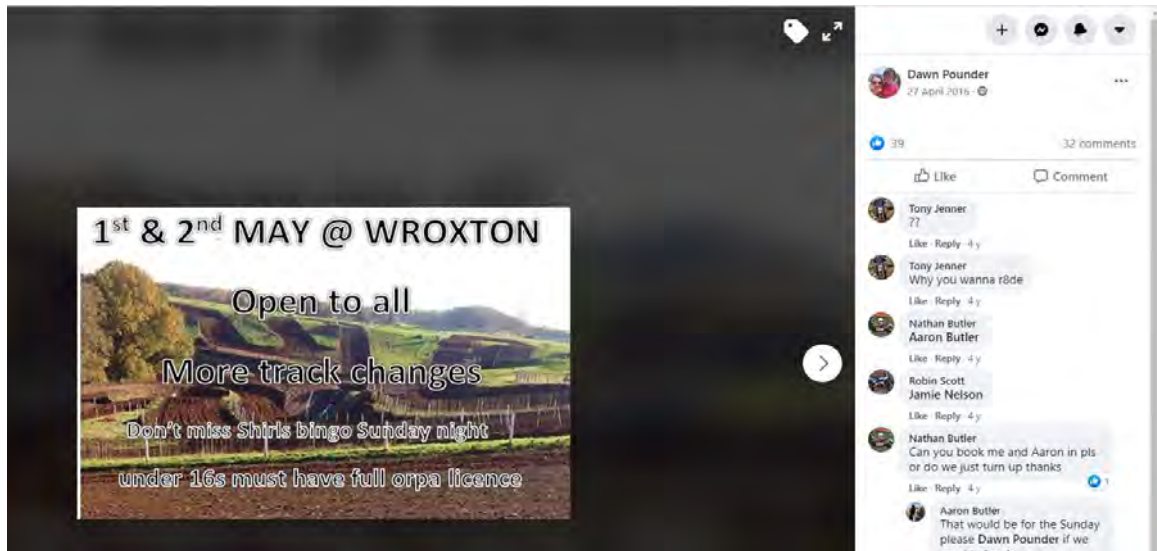
Regards,

Intensification evidence: Facebook grabs highlighting track changes

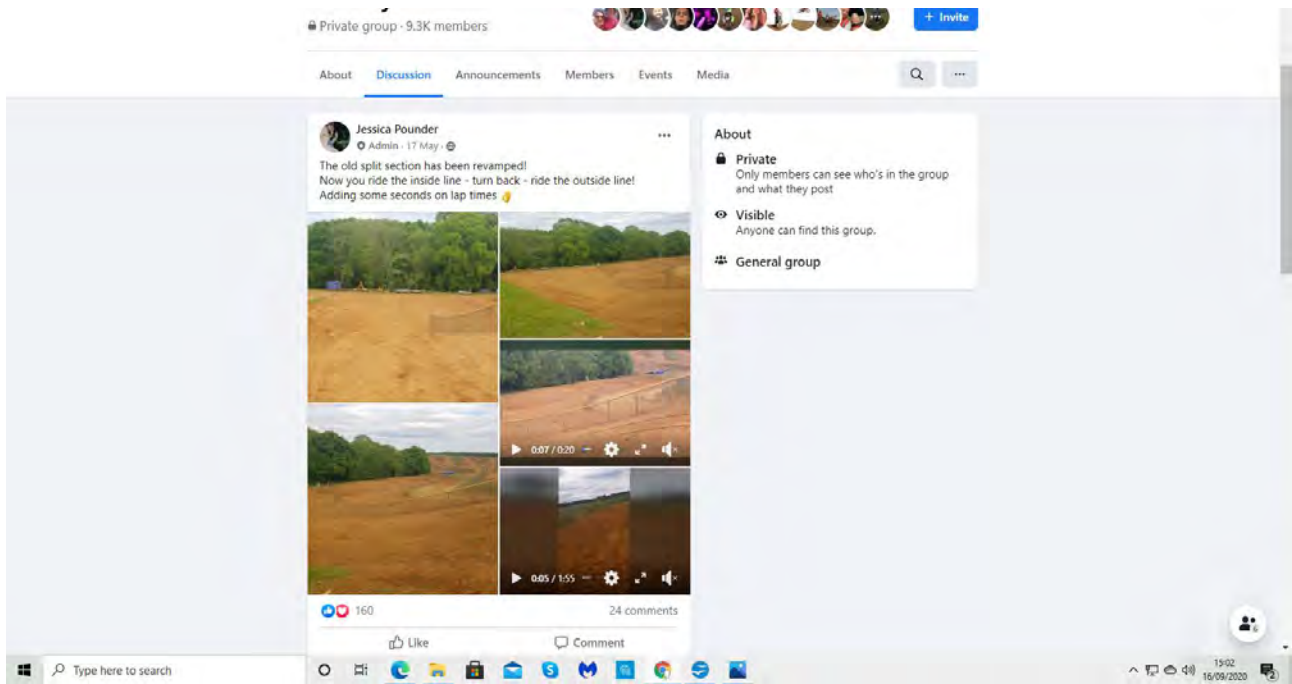
1. 27 April 2016 - posted by Dawn Pounder:



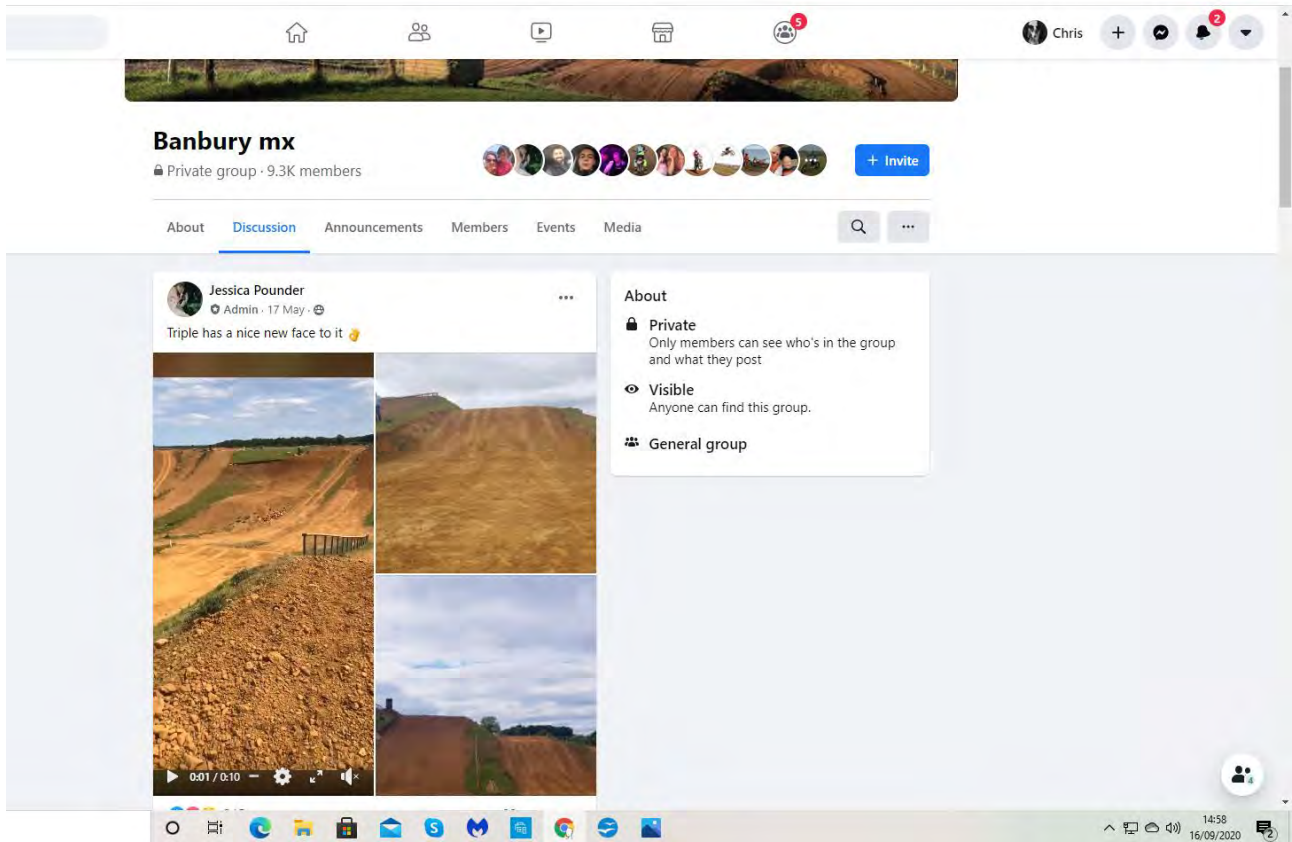
2. 17
May
2020
-
posted
by



Jessica Pounder:



3. 17 May 2020 - posted by Jessica Ponder:



Private group · 9.3K members



About Discussion Announcements Members Events Media



Jessica Pounder

Admin · 17 May · 🌐



Jumps in the middle
Now a roller/ski into a bigger table top 🙌



👍❤️😮 204

37 comments

👍 Like

💬 Comment

About

🔒 **Private**

Only members can see who's in the group and what they post

👁️ **Visible**

Anyone can find this group.

👤 **General group**

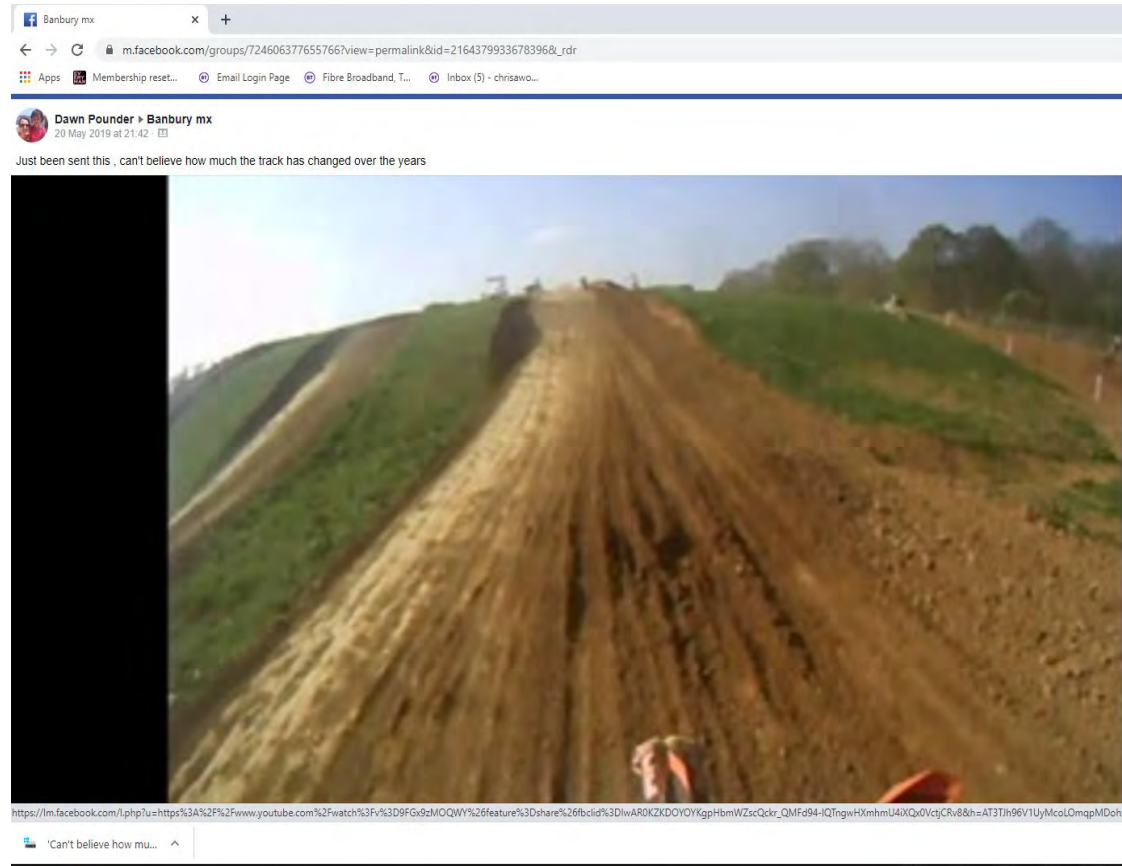
4. 17 May 2020 - posted by Jessica Pounder:

Compiled September 2020

Wroxton MX track: Intensification/not 'small changes' - further miscellaneous evidence from Facebook

1. Banbury MX - posted 20 May 2019: posted by Dawn Pounder - Brian Pounder is the track manager

“Can't believe how much the track **has changed over the years**”:



2. Banbury MX - posted 13 April 2019:

Dancer Michael shared a post. [tStp13olhirnscriAorpariled20r1nfd9](https://m.facebook.com/story.php?story_fbid=341538286483832&id=339489510022043) · https://m.facebook.com/story.php?story_fbid=341538286483832&id=339489510022043

Colin Kitching

Great filming thank you for letting me relive my memory s of racing at Wroxton. I retired in 06 , but have fond memories of this great track . Credit to Brian and the team in revamping it . Hope to return soon to see a meeting.

3. Banbury MX - posted 30 May 2020:

“Wow it's changed”... it's a “supermoto track” now

Note the comparison with how the track was when it was just a local Banbury MX AMCA track

The screenshot shows a Facebook group page for "Banbury mx", a private group with 9.3K members. The group's navigation tabs include About, Discussion, Announcements, Members, Events, and Media. A post by Liam Waite New, dated 30 May, says "Just seen this wow its changed" and includes a video of a modern supermoto track. Below the video, a comment by Stephen Clarke from 27 May shows a video of an old motocross track at Wroxton, captioned "WROXTON when it was a MOTOCROSS TRACK not a SUPERMOTO TRACK2nd race". This comment has 62 reactions and 22 comments. A reply from Brian Grant, dated 15 weeks ago, says "that's how it was when the original Banbury AMCA moto x club had it. loved it. we held a IMBA round there," and has 2 likes. The Windows taskbar is visible at the bottom of the screen.

Luke Bavester

Why do you refer to it as a supermoto track?

I've not heard a negative thing about it. Only people saying it's the best club track in the country

- Jack Ratcliffe

Luke Bavester

good track, but you wouldn't see it that rough nowadays. It's very well graded and doesn't rough up, which is why he referred to it as a supermoto track. Difference between riders now and 20 30 years ago.

Jack Ratcliffe

ahh right okay, understood!

- Martin Miller

Favourite track.....ah...the open face helmet of Clarke... 😊

- Like

- · 15 w

- Martin Jenkins

Been watching so much American MX for years I clean forgot what a track looked like with posts and ropes! (I'll never forget all the graft putting tracks up and taking them down though...good times with awesome people!)

- Like

- · 15 w

- Dean Hakes

It's the best it's ever been now that track

- Like

- · 15 w

- Chuck Davies

Dean Hakes

agreed, one of the best in the country. Could do with being rougher tho i'll agree with that

14 June 2020 - posted by Jessica Pounder

Banbury mx

Private group · 9.3K members



+ Invite

About Discussion Announcements Members Events Media



Jessica Pounder

Admin · 14 June · 🌐



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General group



June 2020 – item from Banbury MX club Facebook page boasting about more changes to the track

Jessica Pounder

Admin · 1 hr 14 June

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Today we trialed the recent changes as you can see a definite lap time extension with the new section, all jumps are do-able and safe.

We are clinging to hope that it's not too much longer until we can invite you all back and hold events again.

Although still very much locked down we are working hard and can't wait to return.

Thank you to the boys for working so hard all year round & continuing to make Wroxton the track it is today.

This is a link to the video posted with these words and see for yourself how developed and huge the Wroxton circuit now is: <https://www.facebook.com/groups/724606377655766/>

Wroxton Motocross Track

ref: 20/02126/CLUE

"Unauthorised change of use of land from agricultural to motorsport with significant intensification over recent years and erection of timber fence"

Media Evidence of Intensification

From Hornton Parish Council

August 2020



One can get a clear idea of just how many more big race meetings the Wroxton track has hosted in the last year or so, compared with the earlier years of the decade, by researching various media commentaries and coverage.

Some evidence thus sourced provides irrefutable proof of the recent commercial intensification of the Wroxton track in terms of the circuit, the site and its usage.

For instance, TMX magazine is the world's leading off-road weekly newspaper and only reports on the really big motocross meetings in Britain and around the world:

<https://www.tmxnews.co.uk/>

We conducted a simple experiment:

Searching for “Wroxton” on this link there are 40 search results for 2010 onwards - but they’re not evenly distributed.

In 2010 there were 2;

2011 4;

2012 2;

2013 3;

2014 1;

none for 2015 or 2016.

There were 2 in 2017 - then 11 for 2018 and 14 for 2019.

They include the edition of May 9, 2019, when readers were told that ‘Round two of the Bridgestone British Masters of Motocross series travels to Oxfordshire this weekend and the spectacular Wroxton track with its fantastic jumps and elevation changes.’



Dawn Pounder
27 April 2016 · 🌍

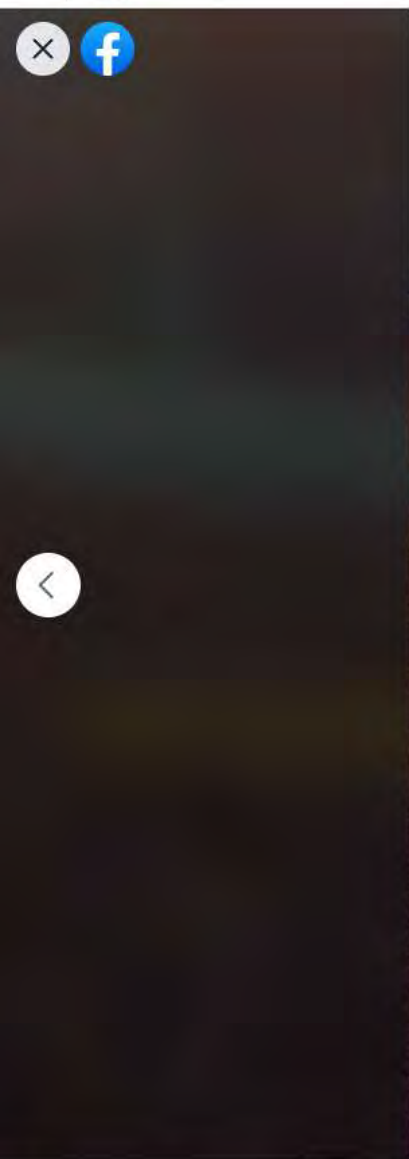
39 32 comments

Like Comment

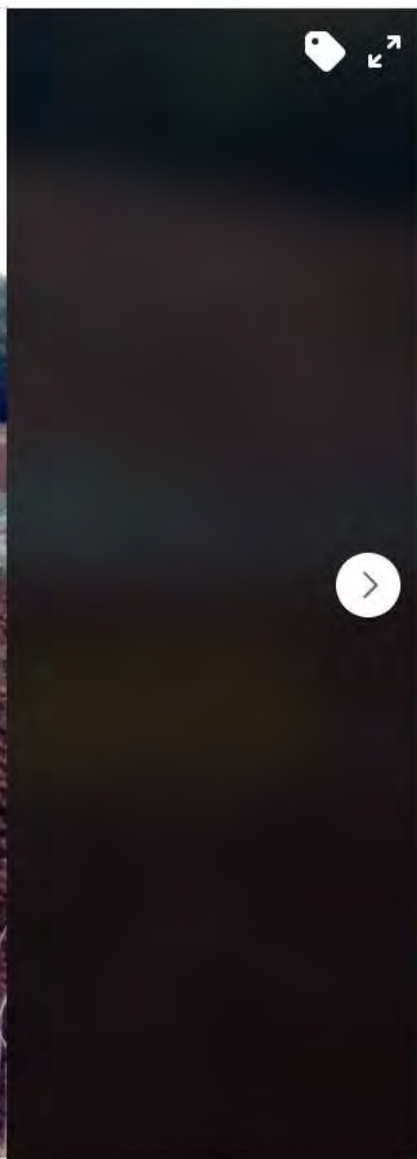
- Tony Jenner ??
Like · Reply · 4 y
- Tony Jenner Why you wanna r8de
Like · Reply · 4 y
- Nathan Butler Aaron Butler
Like · Reply · 4 y
- Robin Scott Jamie Nelson
Like · Reply · 4 y
- Nathan Butler Can you book me and Aaron in pls or do we just turn up thanks
Like · Reply · 4 y
- Aaron Butler That would be for the Sunday please Dawn Pounder if we need to book
Like · Reply · 4 y
- Dawn Pounder Need to book in , what group ?
Like · Reply · 4 y

View 11 more replies

Write a comment...



wroxton winter series 2019
 Feb 24th
 March 10th
 April 14th
 April 28th
 3 OUT OF 4 TO QUALIFY



Paul Simpson
 13 January 2019 · 🌐

Only 6 weeks until the first winter round at Wroxton. Message me if you want photos from any of the previous seasons while i still have some spare time

👍 38 💬 22 comments

👍 Like 💬 Comment

View 4 more comments

- Douglas Crocker Steve hall
Like · Reply · 1 y
- Leticia Harris Billy Carter
Like · Reply · 1 y
- Roger Frea
How can we book in?
Like · Reply · 1 y
- Kurt Richardson
Mike O'connell go on then
Like · Reply · 1 y
↳ Kurt Richardson replied · 2 replies
- Brad Sheasby Dean Hodgkins
Like · Reply · 1 y
- Andy Statham
Who do I contact to get an entry pls. I can do only 3 of the 4 which

Write a comment... 🗨️ 📷 🧠 🎭

IMG_3622.PNG 11 May 2018 Wrox...jpg

Type here to search



10:20 01/09/2020

Banbury mx

Private group · 9.3K members



+ Invite

About Discussion Announcements Members Events Media



Liam Waite New shared a post.

30 May · 🌐

Just seen this wow its changed



Stephen Clarke

27 May · 🌐

WROXTON when it was a MOTOCROSS TRACK not a SUPERMOTO TRACK 2nd race

👍👏 62

22 comments

👍 Like

💬 Comment



Brian Grant

that's how it was when the original Banbury AMCA moto x club had it. loved it. we held a IMBA round there,

Like · Reply · 15 w

👍 2

About

🔒 Private

Only members can see who's in the group and what they post

👁 Visible

Anyone can find this group.

👤 General group



Local complaints about Wroxton Motocross Intensification - especially increase in event number.

As listed on CDC portal Planning Application - 20/02126/CLUE

Updated 25 9 2020

Name	Location in Hornton (unless italicised)	Date as stated on CDC portal	Comment relating to track intensification and growth in event numbers in recent years
1. Mr and Mrs Higgins	Bell Street	28/8/20	<p>"...become increasingly concerned by the way the Wroxton Motocross track has expanded in recent years..."</p> <p>"...in around the last 4 years, we have experienced the site growing in size, circuit sophistication as well as an increase in the scale and frequency of the events it hosts. ..."</p>
2. Mr D Smith	West End	28/8/20 originally an email 3/9/19	<p>"...dismay over the noise and disruption caused by the expansion of the moto cross races..."</p> <p>"...I have lived here now for nine years and have noticed a great increase and expansion of the events..."</p>
3. Ms Stewart-Furneaux	West End	31/08/20	"...the frequency of meetings has increased significantly over the years, especially since 2017..."
4. Ms Maginnis	<i>Wroxton Heath</i>	31/08/20	"...in the six years we have lived here we have seen an increase in the number of events held and more concerning the size and scale of the events..."
5. Mrs Joyner	Millers Lane	27/08/20 originally 4/9/2019	"...over the last couple of years it has expanded dramatically..."
6. Mr Bridgeman	Eastgate	28/08/20	"...We were assured that the number of weekends would not increase...It appears

		originally to Hornton PC July 20	assurances have not been adhered to..."
7. Mr Bridgeland	Millers Lane	27/08/20	"...I have lived in the village of Hornton for over 10 years and the MX track has grown significantly over this time, especially in the last 2/3 years..."
8. Mr & Mrs Vint	Hornton Grounds	1/9/20	"...What was tolerable has become unreasonable and intolerable..." "...There was an incremental increase in racing days about three to four years ago..."
9. Mr Lemon	Bell Street	1/9/20	"...like to see the site and its use returned to the size and scale that prevailed pre 2010..."
10. Mr Carabok	Millers Lane	3/9/20	"...The growth in number and size of events has now given rise to, in my view, an unacceptable level of noise and disturbance that fundamentally changes the quality of life and character of the village of Hornton..."
11. Mr Hewlett	Eastgate	4/9/20	"...the increase of noise that has accompanied the significant expansion of race meetings..." "...The race meetings have increased in size, scale, length and level of participation..."
12. Mr Wright	West End	1/9/20	"...The expansion of this track has attracted much larger gatherings, leading to expanded weekend camping onsite, an increase in the number of meets these past four years or so and, consequently,

			much more invasive noise...”
13. Mr Abbott	Horley Road	29/8/20	<p>“...It has become clear that in recent years this Moto Cross enterprise has morphed from a small and responsible one into a major unregulated and unlicensed commercial one...”</p> <p>“...The number of events has increased significantly...”</p>
14. Mr Clavering	Millers Lane	8/9/20	<p>“...”over the last five years or so appears to have expanded from its early beginnings as a venue for local Motocross enthusiasts, young and old, to enjoy their passion into a commercial venture on a national if not international basis and all without due governance from the appropriate authorities...”</p>
15. Mr Bowes	The Green	4/9/20	<p>“...My objection is twofold, firstly to the escalation of the use and size of the motocross track...”</p>
16. Dr Bebb	Millers Lane	1/9/20	<p>“...The race circuit did not use to be an issue when we first moved but now it has grown substantially...”</p> <p>...I fail to understand why this track has been allowed to get this big...”</p>
17. Mr Protheroe	Millers Lane	8/9/20	<p>“...Races meetings now include bigger, noisier, more polluting bikes - and a lot more of them ...”</p>
18. Ms Birkbeck	Bell Street continuation known as Drift Road	8/9/20	<p>“...The amount and the size of the race meetings has increased immensely in the last few years...”</p>
19. Mr Woodcock	Eastgate	8/9/20	<p>“...That has all changed in the last few years, it becoming very evident that the track has undergoing extensive</p>

			engineering works and the number and scale of events has significantly ramped up...”
20. Mr Matthews	Pages Lane	8/9/20	<p>“...over the last 3-4 years the noise level from what was originally a small scramble track has increased markedly, with the size and scale of the race meetings transforming beyond recognition...”</p> <p>“...The frequent noise disturbance has deterred us from inviting family and friends to our garden during the spring and summer, especially over the last couple of years...”</p>
21. Ms England	The Green	8/9/20	“...Having lived in the village for 64 years I've noticed that the number of meetings and noise level has increased considerably over the last 2-3 years...”
22. Mr Britton	Millers Lane	8/9/20	“...During the last few years I have been plagued by many weekends of incredible motorcycle noise which is totally unacceptable...”
23. Ms Bock	<i>Wroxton Heath</i>	8/9/20	“...we moved into our property in 2013...there is no doubt that during the time we have been living here, the number of meetings has increased as has the number of vehicles increasing the scale and the magnitude of the meetings...”
24. Mr Mills	Bell Street	8/9/20	“...However, in the last 3 to 4 years the usage seems to have grown with ever more meetings and attendees...”
25. Mr Bellamy	Millers Lane	8/9/20	“...However, during 2017 I was approached by a neighbour, as a Parish Councillor, who wished to ask HPC to

			make a complaint about the increase in noise and frequency of track days. This I duly did, adding that our location close to the ridgeway made the changes more discernible. Since then, and until Covid, the noise and frequency both increased...”
26. Mr Francis	The Green	12/9/20	...”over the past four years, the number of race days has increased dramatically, with more races per day, and the number of motorbikes in each race has also increased such that the noise has become totally unacceptable. Far from being a venue for local riders, as was originally the case, the track has recently expanded to become a setting for national and international events
27. Mr Wain	Eastgate	13/09/20	“...the frequency of meetings, the dust, noise, damage to the roads in and out of the track have indeed all changed over the last few years. Not one big jump, but small steps over many years have had a detrimental effect on the life and expected pleasure at living in this small rural village...”
28. Mrs Bebb	Millers Lane	14/09/20	“...The increased noise in general is disruptive and increasing in both the sound level and frequency...”
29. Lady Tweedsmuir	West End	11/9/20	“...What used to be a very acceptable handful of days a year has now become a fortnightly event...”
30. Mr Whitby	Millers Lane	8/9/20	“...However, latterly, we are acutely aware of the increase in the noise generated by motorsport...”
31. Mr Bock	<i>Wroxton Heath</i>	14/9/20	“...The number of meetings has

			increased...Bigger national and international events are being hosted..."
32. Mr Corke	Church Lane	11/9/20	"...The number of race meetings has increased..."
33. Ms Cozens	West End	16/9/20	"...The frequency of the meetings has substantially increased since I moved to the village, especially over the last couple of years..."
34. Sir D Gilmour	<i>Alkerton</i>	22/9/20	"...can personally attest that - without permission - the track has got wider, the bikes have got bigger, the meetings are much more frequent, and the noise has become intolerable..."
35. Ms Griffiths	Millers Lane	8/9/2020	"...events, terrain and usage at the track have intensified in recent years..."

Analysis of changes to Wroxton Motocross track over time using Sketchandcalc software

The *Sketchandcalc* app (www.Skethandcalc.com) makes it possible to analyse an aerial photograph and, providing you have a reliable scale, it can calculate distances and areas within that photograph and compare them over time with other photographs of the same site.

Three photographs of the Wroxton Motocross track have been analysed using this software:

- a **Google Earth photograph from 2009**; by comparing this photograph with the Ordnance Survey map of January 2011, it is clear that the track layout by August of 2010 was very close to the one featured in the 2009 photograph
- an **aerial photograph from May 2016**, showing changes that had taken place before August 2016
- a **drone photograph taken in September 2020**, showing how the track looks today

At the end of this report, the methodology used to ensure accuracy of the analysis is set out.

Three aspects of the track were analysed:

- **changes over time in the area of land upon which the track is situated**
- **changes over time at the start of the track**
- **changes over time in the average width of the track**

CHANGES IN LAND AREA

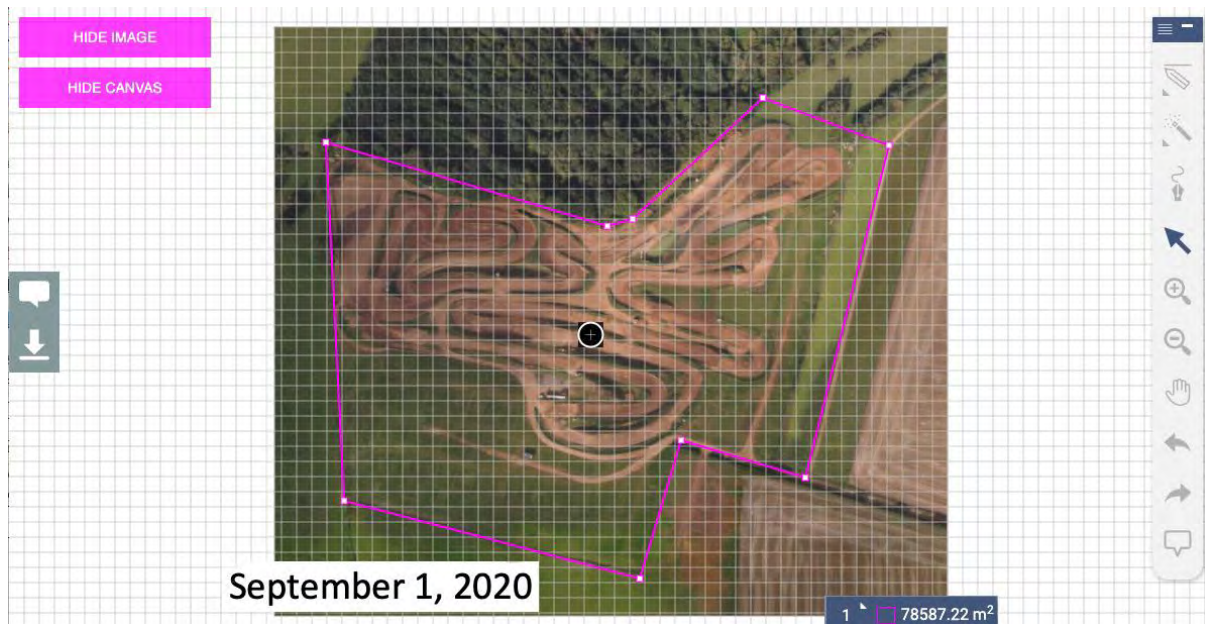
The *Sketchandcalc* analysis shows that, between the 2009 photograph and the 2020 photograph, there has been a significant enlargement to the area of land upon which the track is situated. In 2009 the site was 59870 square metres in area:



By May 2016, it had grown to 69742 square metres:



By September 2020, the site had grown again, this time to 78587 square metres.



This means that the site area grew by almost 16.45% from 2009 to 2016, 12.68% from 2016 to 2020 and by almost a third - 31.26% - from 2009 to this year.

CHANGES AT THE START OF THE TRACK

The only way to increase the maximum number of riders in a race at the track is to widen the funnel-shaped start, located right at the top of the photographs.

In 2009, the width of start was 39.38 metres wide:

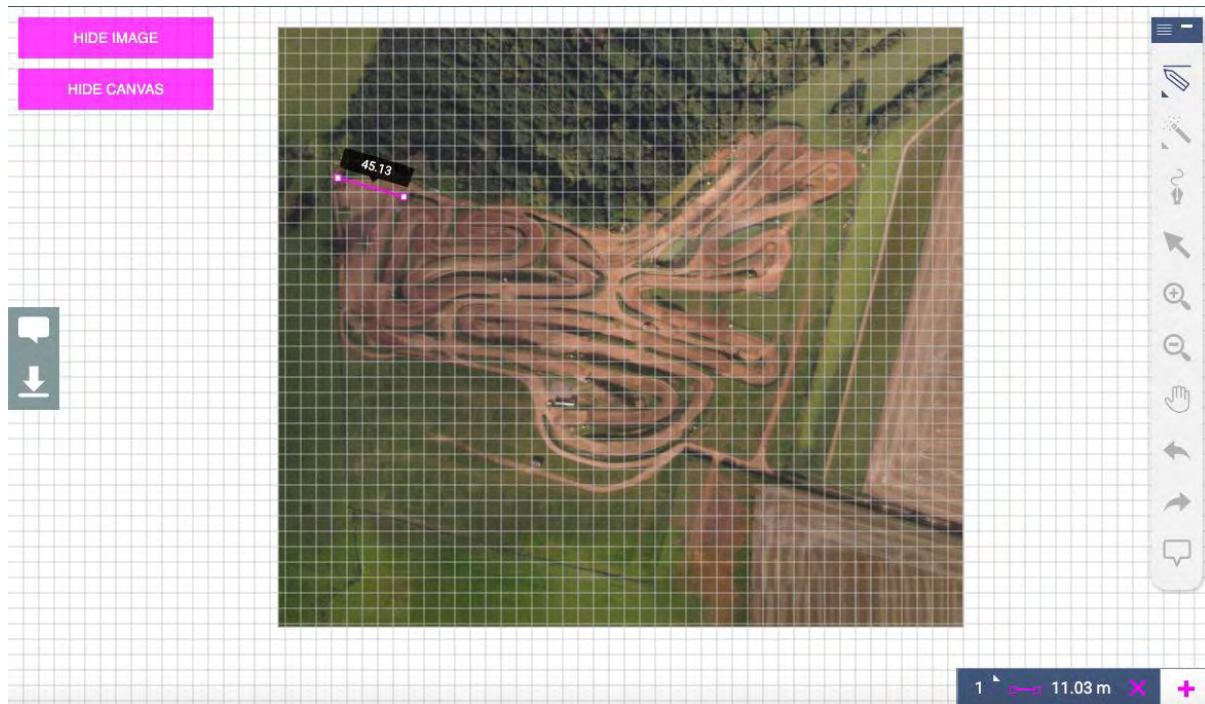


By 2016, it had grown to 44.25 metres:



This is an increase in the width of the starting line of almost an eighth - 12.37%.

The start remains that size today:



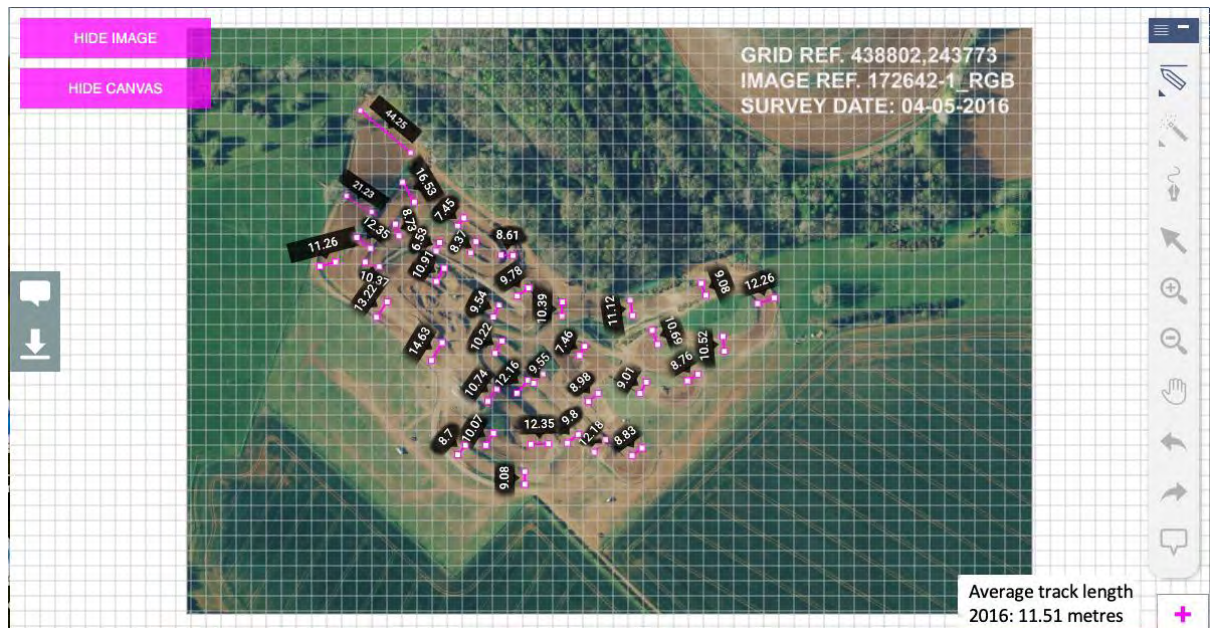
CHANGES IN THE WIDTH OF THE TRACK

Measurements were taken of the track width approximately every 50 metres and then averaged.

In 2009, the track was, on average, 11.08 metres wide:



By 2016, the track had widened to an average of 11.51 metres:



And by this year the average width had grown again - to 12.15 metres:



This means that the track grew in width by 3.88% from 2009 to 2016, by 5.56% from 2016 to 2020, and by almost a tenth (9.66%) over the last ten years.

CONCLUSION

In her submission, the landowner, Sandra Kerwood says, 'A small number of changes and improvements are made to the track each year but the basic construction remains the same.'

Brian Pounder, who runs the Banbury Motocross Club, says 'Since 2007 we have made a small number of changes and improvements to the track that exists on the site.'

Neither of these assertions are born out by this analysis, because:

- the site area has grown
- the width of the start - so crucial to allow more riders to take part in each race - has grown
- the width of the track has grown

Roger Corke

September 28, 2020

METHODOLOGY

THE PHOTOGRAPHS

The 2009 and 2016 photographs were chosen because they fall just before the key dates upon which the applicants rely – August 2010 and August 2016.

The 2009 Google Earth photograph was taken in May of that year:



There are no aerial photographs available for 2010 but a new Ordnance Survey map was produced in January 2011:



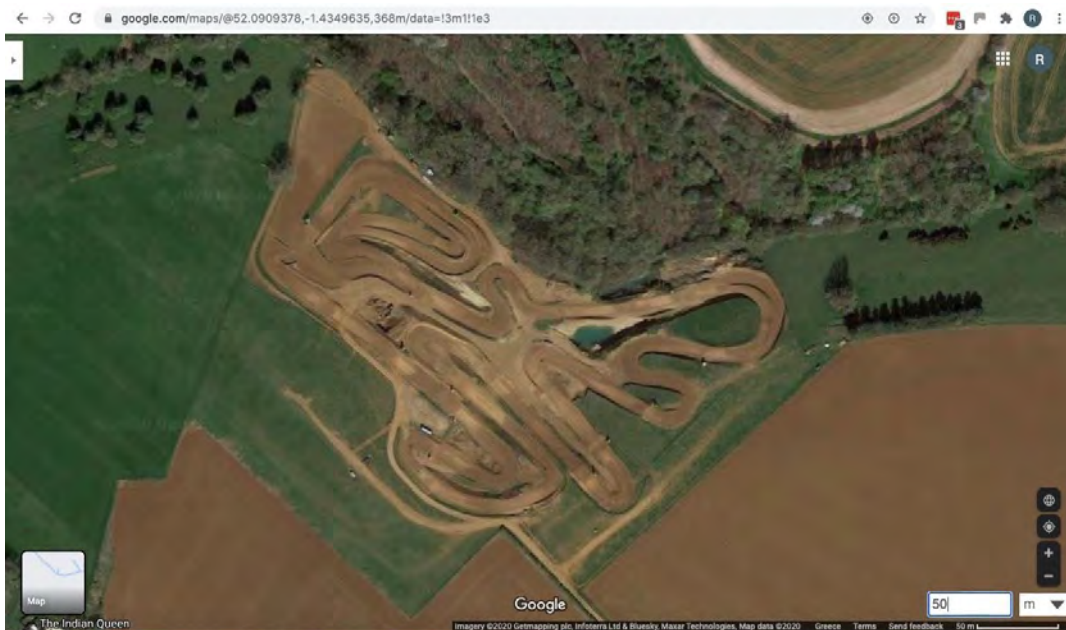
... and if you superimpose the 2009 aerial photograph of the track over the 2011 map, they match perfectly:



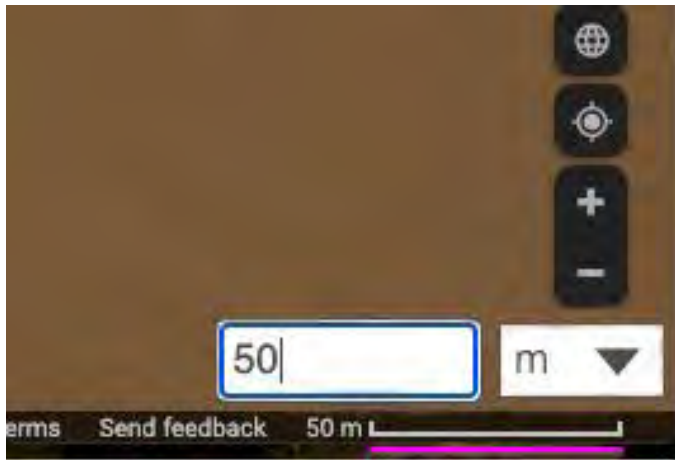
It is therefore reasonable to use the 2009 photograph to represent how the track looked in August 2010.

THE SCALE

To use the Sketchandcalc software, it is necessary to provide an accurate scale. Google Maps took another aerial photograph of the site in 2017 and published a 50m scale along with it.



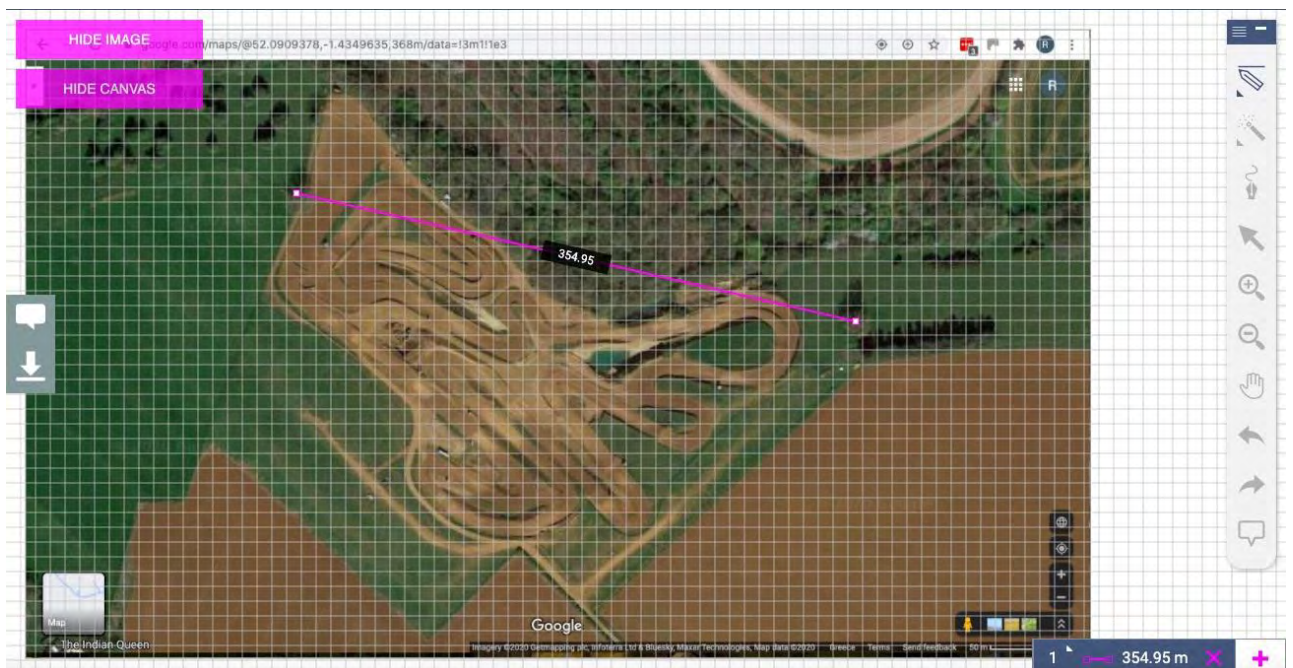
By putting that 50m scale into the *Sketchandcalc* software (the pink line below the scale):



it is possible to set a scale for this photograph and measure the distance between any two points on that photograph or calculate how many square meters there are in a particular area.

None of the other photographs contain a scale and the site has changed so dramatically in the last ten years that there were no features on it that had stayed the same throughout and could be used as a point of reference.

However, there are two trees, just off the site, that feature in all the photographs. Using the 50m scale on the 2017 photograph, it is possible for the *Sketchandcalc* software to measure the distance between the centre of these two trees. They are 354.95 metres apart.



Then it was just a case of importing the 2009, 2016 and 2020 photographs into the software and setting the scale by reference to the centres of the two trees being 354.95 metres apart:



From now on, any distance in the three photographs would be measured using exactly the same scale.

THE WIDTH OF THE TRACK

The average width of the track was calculated by taking measurements every 50 metres:



Because *Sketchandcalc* only measures in straight lines, it was impossible to be exact about the 50m distances on the curves but the same method was used for all three maps, so any minor errors were averaged out.

There are more readings for 2016 and 2020 because the track had grown significantly longer by then.

The measurements were as follows:

	2009	2016	2020
	39.38	44.23	45.13
	17.58	21.23	25.35
	20.05	11.26	12.22
	8.16	13.22	9.13
	10.62	14.63	11.6
	7.55	10.74	9.53
	10.82	12.35	10.19
	10.03	10.07	9.99
	7.26	8.7	9.6
	6.73	9.08	10.01
	7.59	9.8	8.14
	8.01	12.16	10.98
	9.63	10.22	14.55

	9.23	9.55	12.32
	9.15	12.18	9.54
	12.04	8.83	8.88
	10.27	8.98	9.74
	8.85	7.46	9.06
	8.71	9.01	12.01
	12.24	8.76	9.09
	12.07	10.69	10.34
	8.67	10.52	10.56
	8.65	12.26	11.42
	6.74	9.08	10.85
	6.93	11.12	11.52
	10.53	10.39	11.2
	8.2	9.78	12.97
	8.96	9.54	9.88
	9.9	10.91	11.03
	18.73	10.37	8.99
	10.18	6.53	7.95
		8.61	13.03
		7.45	13.02
		8.37	9.47
		8.73	15.12
		12.35	13.38
		16.53	15.99
			11.04
			10.64
			10.89
			13.52
			10.73
TOTAL	343.46	425.69	510.6
AVERAGE	11.08	11.51	12.15

Roger Corke
September 28, 2020



P1



P2



P3



P4

P1

4th/5th July 2020 Weekend Hire of the Wroxton Track by Severn Valley MX Club. Nine main races were held with further details provided in the Parish Council Compendium of Comments and Concerns.

P2

P3

P4

Weekend of 22nd/23rd August 2020 BSMA Champion of Champions two days of racing. Photographs show the extended areas of parking and with Photograph 4 highlighting the additional parking area not included within the LDC application boundary.



Martin Leay Associates
Field House, Ewen, Cirencester GL7 6BT
T: 01285 772255 info@martinleay.co.uk

CLIENT
Hornton Parish Council

PROJECT TITLE
OBJECTION STATEMENT to a Lawful Development Certificate Application by Mrs S Kerwood for the Banbury MX Club and Motocross Scrambling Site at Wroxton, Oxfordshire

DATE 29TH SEPT 2020
SCALE SEE SCALE BAR
DRAWING NO. MLA394/05
DRAWN BY GT
CHECKED MJL

DRAWING TITLE
PHOTOGRAPHS 1 - 4

Wroxton Motocross Track (Banbury MX Club)
application to Cherwell District Council for a
Lawful Development Certificate

*"Unauthorised change of use of land from agricultural to motorsport
with significant intensification over recent years and erection of timber fence"*

Re: 19/00316/ENFC - Wroxton Motorcross Track, Stratford Road (A422), Wroxton

COMMENTS & CONCERNS FROM HORNTON
PARISH COUNCIL ON BEHALF OF PARISHIONERS

COMPILED MAY - SEPTEMBER 2020



A recent Ordnance Survey aerial image of the track in weekend use, with camping/vans packed in against both extended boundaries . More track work has occurred since this shot was taken.

Compiled and produced, with parishioners,
by Hornton Parish Council
and approved by chair John Offord:

*"The thoroughness of this document
is a measure of our concern about this issue"*

To be read in conjunction with other submissions to
Cherwell District Council from
Hornton Parish Council in September 2020



New earthworks reaching completion – diggers still present. Image taken 28 May 2020.

Contents

1. Why Hornton Parish Council is strongly opposing the LDC application
2. Executive summary: key concerns & evidence
 - 2.1 Overview
 - 2.2 Concerns of Hornton Parish Council
 - 2.3 Correspondence with Mrs Sandra Kerwood, landowner and business owner, 2020
 - 2.4 History of concerns (past and current) of Hornton parishioners
 - 2.5 Press, social media and broadcast profile (examples)
 - 2.6 Key photographs & aerial views – chronology of how the site has grown
3. Appendix
 - 3.1 Concerns of Hornton Parish Council
 - 3.2 Record of recent complaints of Hornton parishioners
 - 3.3 Key media coverage examples
 - 3.4 Illuminating extracts from Banbury MX/Wroxton track Facebook pages
 - 3.5 More photographs
 - 3.6 Charges and fees levied by Wroxton Motocross Park
 - 3.7 'A weekend in the life of...'

*"This summer, when a lovely weekend has been forecast, I've often thought:
'I know, we'll invite the family over for a barbecue'.
Then I check: and, if it's a motocross weekend, I realise we can't do anything
in the garden. The family visit is off. This just can't be right or fair."*

Mr 'A', long-term Hornton resident, 2019



One race finishes and another immediately starts – up to 40 bikes per race. Hired out to Severn Valley Club, 5 July 2020 (during the pandemic period).



Left: Marshall's boxes on the newly-enlarged and improved track, May 2020

Around this time, the track manager, Brian Pounder, told track neighbours that the track had been 'running too fast' so they had introduced more features to 'slow it down' – we assume that's why there is now a 'triple jump' and wider track width. Regular Wroxton riders, posting on Facebook, rate it as a fabulous course and many say it is the best they know.



Left: part of the expanded camping area, looking towards the dirt entrance roadway and what appears to be a rubbish skip for campers. Other skips are set into the ground for rubbish burning after each meet.

May 2020

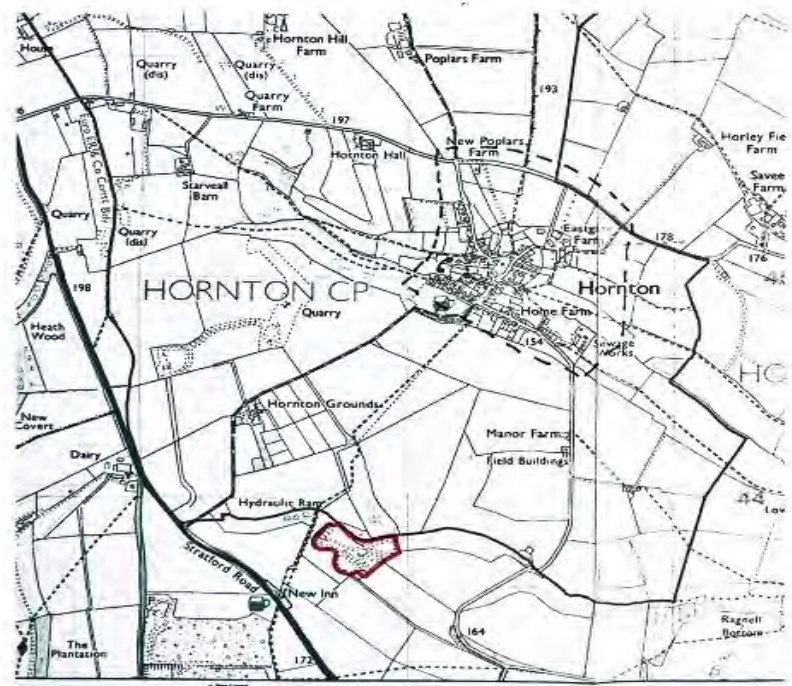


Above: After further earthworks during Covid lockdown, May 2020 (Photos this page: Hornton villager)

1. Why Hornton Parish Council is strongly opposing the LDC application

CDC = Cherwell District Council
HPC = Hornton Parish Council

The village of Hornton is the closest settlement to 'Wroxton Motocross Park' and considerably affected by its growing commercial operation. Hornton Parish Council (HPC) has compiled this document to respond to Cherwell District Council's (CDC) requirement that the track apply for a Lawful Development Certificate. We are extremely concerned about the current and future impact of a site that has significantly intensified in all respects in recent years, now operating as a lucrative commercial operation, causing widespread disturbance, complaint and anxiety among residents and posing a major threat to our village way of life.



— MOTOCROSS TRACK
- - - HORNTON HOMES AFFECTED

This is the most serious issue to affect Hornton this century. It also affects neighbouring rural villages, businesses and homes, including those in Horley, Shenington, Alkerton and Wroxton.

In short, we believe that the track land does NOT – and cannot - truly revert to being agricultural outside of race days. Without any authorisation, it has been continually developed and enlarged.

Nor, by a wide margin, does it abide by the 14-day 'permitted development' rule. It has intensified massively over the last decade - and particularly in the last three-four years – producing more noise for longer. We contend that this document and our other submissions prove these points.

Many Hornton residents have raised the alarm via verbal and written complaints, formally and informally, particularly in the last two years. Even local motorsport fans feel the track should abide with reasonable restrictions, as the rest of us have to do. This upsurge in anxiety is no coincidence: it coincides with the marked upgrading and enlargement of the commercial remit and facilities at the track, without consultation or transparency with the Hornton neighbourhood.

As we write this, we are very concerned about the time, when Covid-19 restrictions allow, that the track will reopen in full. Since 5 July 2020, when hire-out race meetings have been held there, we have had another taste of its 'improved' and upgraded track features, its bigger, louder four-stroke bikes for (inter)national-level competition and its large-scale events and incoming riders and campers, many of whom stay on-site for entire weekends. Our fear, borne out by recent experience, is that if the LDC is approved we are only just beginning to know the impact of a site and a business that is sure to grow even further, confident of being unchallenged.

For absolute clarity, to date, HPC is NOT campaigning for track closure. We simply want the operation to return to running in a tolerable and reasonable fashion on the '14 day permitted use' rule as a local facility. We have made this direct appeal to them, several times.



Left: the resulting track after major circuit works in May 2020



Above: seen through the trees – a digger in action at the Wroxton track, 3 April 2020 (Photo: Hornton villager)

A neat way to summarise our concerns is to quote extracts from the 2019 email of two long-term residents sent to CDC Planning Enforcement. Their full email is in Appendix 3.2.7:

We have lived in Hornton for almost 30 years and we'd like to say, at the outset, that we have never been against the track operating - as it has done for almost all of that time. Until recently ... The disruption was minimal and, although we could hear some noise, it was tolerable for the limited number of days it operated each year.

Recently, however, a small local facility has turned into a national sporting facility - a facility that the organisers are proud to boast is one of the top three moto cross tracks in the country. The number of meetings has increased,

the number of spectators and their vehicles has exploded in size and the noise from the track is now quite extraordinary. Not surprisingly, one of the top three tracks in the country attracts bigger bikes, with bigger engines and more bikes racing at any one time. It is no longer a small track run by enthusiastic amateurs but a significant commercial enterprise, attracting hundreds of people from all over the UK.

... Now the noise is akin to what you'd hear at Brands Hatch. On one Sunday in August, the noise was so loud that, when we had friends round, we couldn't sit outside in the garden. And around half the weekends in late July/August were ruined because of the noise - sometimes on both days. So, at the very time of year when the weather was good enough for us to sit out in our gardens after a week's work, the noise from the track over the hill stopped us from being able to do so. ...

The operators of the track know all this, so we find it difficult to understand how they can claim to you that the noise, disruption and traffic - which they must know has grown exponentially recently - is no more intrusive now than it was a few years ago. If they were running the track back then - and we understand that they were - they must know that is untrue.

They must also know that, if they are attracting crowds of up to 1000 people, they need a licence, yet they have not applied for one. ...these rules and regulations ... are designed to ensure that everyone can co-exist peacefully together, without one group's hobby being stopped or another group's peace and quiet being disrupted unfairly. We are not NIMBYs in Hornton. We are happy for the track to continue but only if it operates under strict rules, regulations and guidelines - all of which now need to be rigorously enforced by you, given the thoughtless and selfish way the operators have been flouting them recently.

2. Executive Summary: key concerns & evidence

2.1 Overview

Extensive evidence to support the points below appears in the following sections and in the Appendix.

2.1.1 Countering the specific claims and proposals in the LDC application

See separate accompanying submissions from Hornton Parish Council.

2.1.2 Agricultural use & restrictive covenant

- **Agricultural use :** The statutory 14-day permitted use allowance requires that the land reverts to agricultural use in between events: however, there is virtually no grass left on the site, apart from the enlarged camping area. If sheep are put there at any stage then we would argue it is merely window dressing as there is nothing for them to graze on. The grass in the extended camping areas inside the new boundary fences is short and squashed down by the camper vans and other vehicles and not of valid grazing quality.
- **Agricultural land:** In our research we have found that Planning Inspectors appear more willing to countenance motor sport uses on previously developed land than on agricultural land which could revert to farming activities. This Wroxton track site was, previously, unsplit agricultural countryside but now is a permanent and literal 'brown field' site.

- Criteria for development of sports in the countryside:
Some LPA local plans, elsewhere in the UK, have specific criteria for the development of sport in the countryside – but we are not aware of anything specific on this kind of land use in the current Cherwell Local Plan. This being the case, we venture to suggest, therefore, that the following two examples are very reasonable and clear and might provide a helpful bellwether:

Kennet Local Plan – Policy SR 13 – Sport and Noise : Applications for new outdoor sports and recreation facilities likely to cause disturbance by way of noise and/or nuisance will not be permitted unless they: a) demonstrate the suitability of the chosen site;
b) identify the methods for noise mitigation to be employed;
c) provide adequate arrangements for the maintenance of the natural environment;
d) pay particular attention to the impact of the proposal on the amenity of residents and other users of the countryside;
e) demonstrate there will be no impact on the surrounding area through an increase in traffic;
f) ensure landscape conservation, ecological and archaeological interests are protected

Warwick District Local Plan – Policy RL12 – Recreation in the Countryside : Use of the countryside for outdoor sport and recreation will be encouraged providing that activities are compatible with and sensitive to the rural environment. Proposals for the development of sports or other leisure activities likely to generate noise or disturbance will be assessed in terms of their impact on the rural landscape, compatibility with neighbouring and adjacent land uses, and proximity to other noise generating uses in particular, and compatibility with other policies within this Local Plan.

2.1.3 Significant intensification and boundary changes

- One chance to act: we believe that a profitable commercial track for national and international events – some aiming to attract as many as 280 adult riders from all over Europe – now exists on our doorstep and has grown to this scale without appropriate LPA intervention. If granted by CDC, the certificate means that enforcement action cannot be carried out to the development referred to in the certificate. CDC need to intervene now to draw a line before further development takes place.
- Commercial operation: We have been told, anecdotally, that the track was originally set up on a much smaller scale, philanthropically, by the current landowner's father as a local facility where all profits were given to charity. Current residents recall that the parish council in Hornton were aware of it at that time and had no worries, then, about it existing on this basis. Today, the situation is entirely different: Banbury MX Club charge for their own membership and for use of Wroxton track. Our research indicates that there are annual membership fees, race fees per participant (typically, a dozen races per day), track hire-out charges to third parties, weekend camping charges and, sometimes, for the bigger meets, spectator entry charges. We have not been able to locate company accounts for the track, but we have included some examples of charges in the Appendix. We have are not sure how the income is allocated.
- Scaling up: The track claims, in its LDC application, that it has been there for years and that it has not changed, except for 'small changes', in this time. At the same time, the track team boasts, on social media, about the massive changes and upgrades it has made to the track, especially in the last three-four years. Yes, there has been a scramble track on that site for years; but what started out as a relatively modest track for local Banbury MX users has now become one of the most prestigious and

sought-after tracks for national motocross riders, amateur and professional. There is lots of evidence to this effect on social media and in motocross media coverage (TMX, DirtHub etc) of events at the track. We have been told it has nearly reached the status to be classed as an international 'Grand Prix' circuit, based on the extended lap duration time.

Its purpose and usage have undergone deliberative material changes. The circuit has been developed and changed, several times over, the topography has transformed and boundaries of the site have expanded.

Contests of the the last few years at Wroxton include the the Bridgestone British Motocross Masters 1. Only since 201 has the track been of a scale and sophistication to host such events. (Video footage available.) It is a major commercial operation and, especially in the last four years – and most noticeably in 2018 and 2019 – it has changed beyond all recognition. Hornton Parish Council has not been informed of, or consulted on, any of these developments.

- Mission creep: This was a small local scrambling track 10 years ago – operating to the 14 days a year rule for agricultural land. But the existence of that small local track is not a precedent for a much bigger track to be developed, on a scale that now attracts many hundreds of people to major race meetings on the Motocross calendar to watch leading national and international riders racing louder and more powerful four-stroke machines round a quiet part of the Oxfordshire countryside.

May 2020 – tracks widened and more features added:



- Traffic: A narrow winding lane leads to the track site, the surface of the road is pitted and full of pot holes, many large vehicles traverse it, especially, when the track is hired out to big national events, the road is often blocked to local traffic, there is a dangerous turning off and onto the Stratford Road... More reasons why this is not the right location for this outdoor recreation hub.
- Wroxton becoming the regional motocross hub: Arlescote PC chair confirmed to us (July 2020) that the former Arlescote track, where Banbury MX used to meet, hosted its last season

¹ 'The Bridgestone British Masters is one of the UK's largest motocross championships consisting of youth, amateur and professional riders. The series takes place over six rounds at six different venues over six different weekends. The venues consist of a collection of some of the best motocross tracks around the country.' Source: www.offroadmotorsportuk.com

in 2015 as the site closed when Arlescote's Primrose Hill Farm was sold in 2016. Other area tracks have also closed in the last decade. This would fit in with the Wroxton track becoming the prime venue in this region: we believe its intensification, under current ownership, has been deliberate in order that it can become not only a centre for Banbury MX activity from 2017 but also the much-venerated, go-to venue for international riders and sophisticated and desirable enough to be hired out, commercially, for visiting clubs and major championships.

2.1.4 Noise

- Noise impact: This has escalated in the last two-three years and was especially bad in the 2019 season.
At that time, Mr Brian Pounder, the track manager, brushed aside reports and the concerns of Hornton residents claiming 'the blackbirds are louder', a remark which caused considerable dismay and anger from residents. (See local press coverage in Appendix 3.3) Those affected by intolerable noise in their gardens and around the village have an entirely contrary view and experience. (See Appendices.)
- Offer from the landowner: Repeatedly, Mr Pounder and the owner of the track, Mrs Sandra Kerwood, of Balscote, have assured the district council, the local media and the parish council that the noise they create does *not* cause a nuisance in Hornton.
Undermining their claim, however, in 2019 and again in 2020, Mrs Kerwood has clearly acknowledged that the track *does* have a noise impact in the village. She attended a HPC meeting on 9 September 2019 and said that she would try, where their forward scheduling allowed, to avoid running events on occasional days when Hornton holds key village events. HPC and many villagers feel this assurance misses the point: the noise is often intolerable on *any* day of the year, not just when village festivals are running or when our own traditional festivities might drown out the roar from MX engines.
Mrs Kerwood has repeated this offer in an email of 2020 – and we have again pointed out how it undermines her claim that there is no serious noise in Hornton and why we find the offer unacceptable. (See correspondence in section 2.3.)
- Noise abatement measures: We are not aware of any measures or track constructions put in place to manage the noise impact, nor any signs of work underway to add such measures in future. As far as we know, there are no 'noise attenuation bunds' on the site and the prevailing wind carries noise right across the neighbouring valley and into and reverberating around the village of Hornton, amplified by the bowl of the village. It is also carried to other nearby villages, depending on wind direction.
- Required on-day vehicle noise inspections: Sport England have clear stipulations on this point (1999) – quoted here. We wonder what checks are being done at Wroxton Track on race or practice days.
The sports' governing bodies stipulate stringent requirements for all vehicles taking part in competitions or practice days before events. All vehicles taking part in events or practice for events are subject to inspection by 'sound inspectors' licensed by the appropriate governing body. Vehicles that fail inspection are excluded from competition or practice until they can satisfy the relevant requirements.
*Details of the various noise requirements can be found in governing body handbooks or **standing regulations and are summarised in the Motoring Organisations' Land Access and Recreation Association (LARA) document Motorsport and the Planning Process (see Further Reading section).** Information can also be found in the publication *Guidance Notes on Noise**

Control at Motor Sports Circuits produced by the Association of Motor Racing Circuit Owners (AMRCO) and the MSA.

- The landowner lives in a nearby village unaffected by the noise: Mrs Sandra Kerwood lives in Balscote, on the other side of the Stratford Road from the track. She owns, and is a tenant on, other land in the adjacent track area. We believe, from local accounts, that she has been based in Balscote, where she runs a livery business, since around 2017-18. This date coincides with when we believe the track's greater intensification of use occurred and its impact got much worse. Although very close to Hornton parish, the track is in the parish of Wroxton & Balscote. Via a resident, earlier this summer Hornton PC checked with the chair of Wroxton & Balscote PC who advised that their village is unaffected by noise from the track. Hence, Mrs Kerwood cannot hear the noise from her own track when she is at home.



Racing on 5 July 2020 – the first hire-out event after lockdown.

2.1.5 Location

Close neighbours: Wroxton MX track is three fields away from the Conservation Area valley village of Hornton – this is 1009 metres in distance, as the crow flies. (See aerial shot below).

The closest homes, at the edge of the same field, are just 667 metres away. The nearest homes on the other side are at Hornton Grounds – 504 metres away – and Manor Farm bungalow (marked as CR Adams & Sons), 737 metres away.

The prevailing wind is south-westerly – from the track directly to the village of Hornton. Sound carries and reverberates around the village valley bowl, bouncing off the North bank into gardens and homes.



The worst-affected homes: Despite the chair of Wroxton & Balscote Parish Council believing his parishioners are not affected – or at least that they had not contacted him at that time – there *are* some residents of that parish who feel quite the opposite: they are the homeowners of Wroxton Heath whose back gardens face towards the track field. In September 2020, these villagers have written to Wroxton & Balscote Parish Council and to CDC... See submissions on the CDC portal.

Relocating the track: Mrs Kerwood told Hornton PC meeting in 2019 that 'these tracks have to go somewhere'. As she owns and rents other land in this area, perhaps she would like to move the track to one of her other portions of land? She might wish to relocate it to the other side of the Stratford Road, for instance. (We would advise her to propose a location that does not cause damage to the quality of life of any nearby rural householders.)

2.1.6 Conduct & Planning considerations

- Planning objections: From a Planning point of view, one might cite similar reasons for refusing this motocross development as for another local industrialisation/ commercial development of agricultural land in 2019, ie:

1. The existing development represents an unjustified and unsustainable form of development in a rural location, with lack of provision for sustainable and safe travel to and from the site and adverse impacts on the character of the surrounding environment, for which it has not been demonstrated that exceptional circumstances exist for such development in this unsustainable location. The proposals are therefore contrary to the provisions and aims of Policies SLE1, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. By virtue of its siting, scale and form, on a prominent hillside location, a greenfield site and on an area of Grade 2 (very good) agricultural land, the existing development appears as an alien feature within the rural landscape, unacceptably extending the built form beyond the existing built limits of this area of open countryside. The development has a detrimental visual impact on the rural character and appearance of the locality, causing significant and demonstrable harm to the character and appearance of the area and valued open rural landscape. The proposals are therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- Lack of consultation and transparency and a missed deadline:
Over the years, as far as we are aware, there has been no planning permission sought and lack of constructive/proactive consultation or dialogue with CDC or HPC at key stages of development and use of this track. The disregard for its growing impact is reflected in the fact that the track team even failed to observe the original mid-July submission deadline, set by CDC, for their LDC application. HPC inquired of the officer concerned, Nick Addis, on 20 July if anything had been received. It was at this point that Mr Addis (on 21 July) then contacted the track team to find out why not. They were then granted an extension.
- Local Plan 2040: In July CDC produced its review of the Local Plan to 2040. It stressed the importance of protecting 'valued landscapes' and 'areas of tranquillity'. Hornton Parish Council has proactively consulted on the early stages of the new Local Plan and welcomes this approach, together with the suggestion that the CDC would 'protect those areas which are relatively undisturbed by noise'. The two areas CDC suggest for protection are Otmoor and the Ironstone Downs, the latter being the area in which Hornton and Wroxton MX track are situated. Having stated such clear aspirations, it would surely be impossible for CDC to approve the track's LDC application.
- Failure to comply with Sport England's Policy on 'Noise-Generating Sports': **Sport England's Land Use Planning Policy Statement contains advice on 'noise-generating sports' and a policy that will 'seek to ensure that proper consideration is given to the needs of noise-generating sports in land use development plans.'**
Within development plans, it seeks policies that:
 - *are based on a sound assessment of the adequacy of existing sites and the demand for new and extended ones*
 - *allocate sites for noise-generating sports where their environmental impact can be minimised*
 - *include positively worded criteria for site selection rather than operate a general presumption against development*
 - *seek to ensure that proposals will minimise conflicts with other users and interests*
 - *seek to ensure that, whenever possible, existing degraded or brownfield sites are used that will minimise environmental impact.*
- What Sport England say about the Town & Country Planning Order 14-day rule: *Most motor sports activities operate within the scope of the general permission granted by the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). This permits use of any land, subject to a number of specified exclusions, for any purpose for not more than 28*

days each calendar year, of which not more than 14 may be for 'motor car and motorcycle racing, including trials of speed, and practising for these activities'. This allows the temporary use of open land for 14 days for motor sports racing or practice and 14 days for other motor sports activities such as training or other noncompetitive events. In fact most clubs appreciate that some sites cannot support 14–28 days of motor sport use a year and work to self-imposed limits much lower than would legally be allowed.

- Duration: Live motor racing fixtures last all day, over one or two consecutive days. Typical start time is 9am, though we are told that official start time should be 9.30 or 10am. On one occasion, 22 September 2019, a Hornton resident reported by email to CDC Environmental Health (officer Jim Guest) that a Sunday's racing on that date started at 9am and finished at almost 17.41pm. The sound was audible all over the village, worse in some locations, as well as behind closed doors. (See Appendix 3.2.)
- Traffic and road safety: on busy race days there are estimated to be well over 1000 spectators at the site, including a vast weekend camping and camper van field, all accessing it via a narrow, winding country lane that is one of two routes into Hornton village and off a dangerous crossroads junction on a fast section of the Stratford Road. In spring 2020 the road surface of that lane was patched due to massive wear and tear causing pot holes along its length. Sport England advise: "*Although major motor sports events can attract large numbers of spectators, a typical club event will normally attract only a small number of competitors and spectators, often less than 100 people. However, the rural location of many motor sports venues can result in the increased use of narrow country lanes. Governing bodies, therefore, recommend close cooperation with the police to select suitable routes to and from venues.*"
- Code of conduct: A code of conduct does exist for motorsport providers and participants. Does Wroxton track know and observe it? Sport England: "*Despite the best endeavours of the governing bodies, clubs and individuals motor sports activities are still perceived by some as unacceptable land use in virtually all areas. This is partly due to the unauthorised activities of some riders and drivers who use rough land without permission, often disturbing local residents. It is also due to lingering misconceptions concerning the nature of motor sports and those who participate in the various disciplines. Much good work has been carried out in recent years by LARA* and the governing bodies to produce information for the planning profession and codes of conduct and codes of practice for the motor sports themselves ...*"

* LARA = The Motoring Organisations' Land Access & Recreation Association – see https://laragb.org/pdf/LARA_20191101_MotorSportEventsInCountryside.pdf

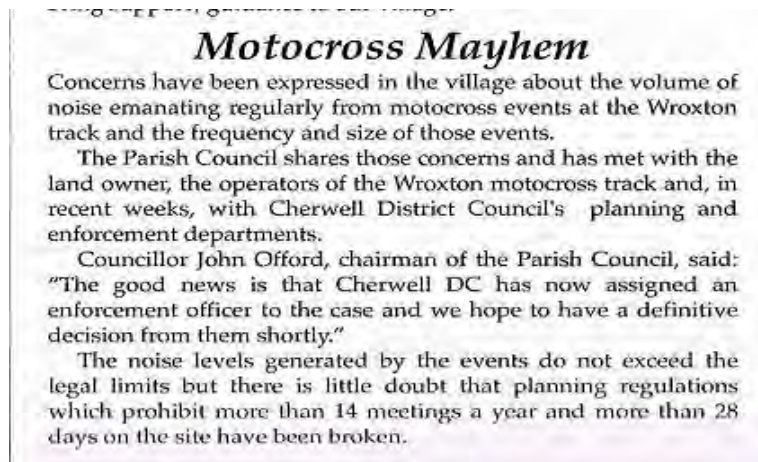
2.2 Concerns of Hornton Parish Council

Our research through parish records did not find mention of Wroxton MX track at a HPC meeting until September 2017 when questions of the planning permissions at the site were raised due to complaints of noise disturbance in the village. (See Appendix 3.1.) This timing reflects the fact that the track was tolerable in terms of impact up until that time. We could hear it, distinctly, but we were prepared to live with it. However, since September 2017, issues connected with the Wroxton track discussed at HPC have become more frequent and more serious. See Appendix 3.1 for extracts and examples.

HPC chair, John Offord, explains: *"This was a track that we were prepared to live with. Its noise was audible in the village but not that often and not too badly. This situation has now transformed. The topography of the land and the prevailing wind towards Hornton – coupled with the scaling up of frequency, duration and commercialisation of the track and its events – have greatly increased noise levels here since 2017-2018.*

"Many parishioners' homes are now blighted by the noise; others are seriously affected. The Parish Council has appealed to the landowner but to negligible effect: she has acknowledged the noise impact but told us she intends to continue using the land in this way. We have no choice but to strongly oppose the LDC application and do all in our power to fight track claims that their facility has not intensified in the last 10 years. We also owe this, as a test case, to other rural villages who may face similar threats in future."

This article appeared in the Hornton village newsletter, on behalf of HPC, August 2019:



2.2.1 Email to the entire village from HPC's chair on 4 June 2020:

Banbury Motocross - we need to hear about Hornton residents' concerns

Hornton Parish Council is being consulted by Cherwell District Council (CDC) on the latest move by the owner and organisers of Banbury (Wroxton) Motocross track, just outside our village: retrospectively, they are applying for a Lawful Development Certificate to make sure that their existing use of the track is lawful for planning purposes.

There have been widespread concerns in our village - and nearby - that the track and the scale of its events are now having a detrimental effect. We need to represent these views to CDC.

As part of our Parish Council submission, we are encouraging any resident who has raised any kind of formal, public comment, concern or anxiety about the track at any stage in the last decade or more to let us have a copy of that point or complaint. Not so much what you feel now - but what you have already submitted to raise concerns (or approval). You may have addressed it to the Parish Council as a whole, or to a particular councillor, or to the track managers or to CDC. It may have been to do with noise impact, traffic, concern about planning permission or another aspect of the track. Cindy Koberl, our parish clerk, is compiling a record and will need you to let her have a copy of any letter or email. Please can you send these to her at clerk@hornton.org.uk by no later than Friday 12 June.

Many thanks for your help. We will keep you posted.
John Offord, Chair, Hornton Parish Council

2.2.2 Email from Hornton parish councillor, XXX, to Nick Addis, Planning Enforcement, CDC – 15 June 2020 (copied to HPC):

Wroxton Motocross Track - Mounting concerns as the track prepares to re-open

As you are aware, many of Hornton's residents have been very concerned about the enlarged motocross track at Wroxton, particularly in the last two years when it has been hosting much larger, much noisier and much more intrusive events that are way beyond the statutory 14 days per annum parameter and do not, in any way, allow for the site to revert to agricultural use in between the events. The 2020 planned core schedule has 26 days on it.

At about 2.30pm today (14.6.20), while the track was still closed due to the Covid-19 pandemic, I was surprised to hear from our home in Hornton the intrusive and unmistakable noise of motocross bikes again coming from the direction of the Wroxton track. It sounded like a few engines definitely going full tilt around the circuit. I walked over, on the public footpath across the three intervening fields, to see what was going on...

As I approached, via the footpath, the bikes stopped and then were loaded into vans which were parked near to the loo block in the parking/camping area. There were three vans and several people and at least three bikes. Unfortunately, I was not quick enough to take photographs of the actual riders on the circuit, but did get some of the bikes being loaded back into the vans... see attached. One of my neighbours also rang to say that they had seen bikes on the track, as they were walking on the footpath earlier.

As a Hornton parish councillor, my understanding is that this is agricultural land and the use of motocross bikes is strictly limited to 14 days per year, including for practice or track preparation, which is what I took this to be.

The very fact that I could hear a few bikes so distinctly from the far side of our valley village illustrates how much worse it is on race meeting days when the roar of the engines can be overwhelming due to the prevailing wind carrying the sound in our direction. Today I counted about 35 bike places in the starting gates now set up at the start of the track.

I trust that you will take this into consideration in your imminent work on the track's Lawful Development Certificate application as it appears that the track managers, once again, are operating to their own rules and I would question whether they are adhering to planning limits. I know I am representing the views of many of my neighbours in sharing these concerns with you and sincerely hope that Cherwell District Council can find a solution to this problem.

2.3 Correspondence with track landowner/business owner, Mrs Sandra Kerwood, 2020

Presented in chronological order:

13 July 2020

Dear Mrs Kerwood

Wroxton Motocross Track

Racing resumed again on Sunday (5 July 2020) on the track on your land at Wroxton. This was an event where the track was hired out to a third party club - Severn Valley. Our villagers report that up to 160 riders took part, each race had up to 40 riders and the sound carried across the valley, though buffeted around by the strong winds. The site was in use all weekend.

Given the widespread concern among Hornton parishioners about the noise and other detrimental impacts of the track in recent years - and the number of complaints we have received at Hornton Parish Council - I am compelled to put on the record at this stage our continuing concerns about the lack of reasonable constraints being applied to the number, scale, noise impact and duration of the events at the track and our fears that this will not change in the coming season.

We are also aware that further enhancements to the track have taken place during the lockdown period, adding to other track work done in the last three years or so. From our point of view, this does not bode well.

You will recall that my fellow councillor, Tim Hewlett, and I met with you and track manager Brian Pounder in March 2019 to voice our residents' initial concerns. At the time Mr Pounder made it clear that sticking to the statutory permissible 14 days of events per annum would not be viable from his point of view and that he had no intention of doing so. Since that time, in our view, the impact of the events at the track - which have grown into national and international championships - have illustrated a persistent policy to build the track's profile, increase its participants and spectators and promote it as the major commercial motorsport venue it has now become.

Last autumn, you attended one of our Parish Council meetings and advised us that you felt that these tracks 'have to go somewhere' and that you were willing to help Hornton out by not holding race events on days when we have village festivals or key social gatherings. I'm afraid we feel that offer very much missed the point and also acknowledged that there *is* a detrimental impact on our village life, mainly due to the excessive and intrusive noise that reverberates around the valley homes here.

We would be grateful if you could seriously reconsider your permission to Brian Pounder and Banbury MX Club to use the track and to let it out to third party motocross clubs, at least at the size and scale it has now become. We are appealing to you as a responsible landowner and as a good neighbour whose own village is not affected by the noise of this facility.

Yours sincerely

John Offord

Chair, Hornton Parish Council - On behalf of Hornton Parish Council

Subject: Re: Moto X Activity

Date: 2020-07-20 09:05

From: Sandra Kerwood <sandrakerwood@gmail.com>

To: pc.chair@hornton.org.uk

Dear Mr. Offord,

Thank you for your letter of 13th July, 2020. I note the concerns of the parish council about the resumption of the use of the motor cross track on Sunday 5th July. As with many other recreational sports the motocross riders were keen to get back on the track as soon as the government coronavirus guidance allowed as well as police and council approval that the meeting could go ahead.

You will be aware that the motocross track has been a permanent fixture on this land for nearly 40 years and throughout this time there has been a continuous use of the track. The nature, scale and frequency of these events has, on average, not substantially changed in over a decade. The recent "enhancements" that you refer to are the latest

in an ongoing programme of changes and improvements which Mr. Pounder undertakes frequently to ensure the track is safe and is fit for purpose.

Following correspondence with Cherwell District Council earlier this year, we are in the process of formalising the use of the track through the submission of a certificate of lawfulness application. This application will be lodged with the Council in the coming weeks.

I am still keen to avoid days when Hornton is having village events if dates are given with good notice but continue to support this piece of land for these purposes.

yours sincerely

Sandra Kerwood

31 July 2020 – 11.45am

Dear Mrs. Kerwood

Many thanks for your response of the 20th. I would just like to make the following points:

1. I am pleased that you obtained Police & Council approval to re-commence events.
2. The track has, I understand, not been there 40 years and the size & scale of events has grown exponentially with international riders attending.
3. The recent "enhancements" seem to include additional track, jumps, etc rather than safety measures.
4. It is pleasing that you are applying for a Lawful Development Certificate so the planning issues of the site can be regularised.
5. Re Village events, you are aware we are an active village. During spring & summer months many weekends have regular events but also irregular events such as weddings & parties etc. We are pleased you realise the track causes a disturbance to those in our village. I will liaise with others to supply you with a list for the rest of this year.

Regards
John Offord
Chair Hornton P.C.

25 August 2020

Dear Mrs Kerwood

Noise impact in Hornton from Wroxton MX track: behaving as a good neighbour

In your email, dated 20 July 2020, you said:

"I am still keen to avoid days when Hornton is having village events if dates are given with good notice but continue to support this piece of land for these purposes."

As we said when you first suggested this at our Parish Council meeting last autumn - and we repeated in my last email - Hornton Parish Council does not believe that the impact of the track on our village will be solved by you rescheduling a few events each year, at your own discretion and when it suits your commercial schedule.

In fact, in making this suggestion, you are clearly acknowledging that there is a significant noise impact from the track in our village. And, obviously, the noise impact does not only threaten to cause disturbance here on days when we are holding village events: it has been causing substantial disquiet on every day when the prevailing wind carries the engine and tannoy sound to our village. That includes normal weekends of home-based leisure time as well as days when there are private garden, wedding, family and village celebrations going on. In 2019, for example, this was the majority of days on which events were held at the track – your starter schedule for that year showed 24 active racing/'practice' days. We're proud of the efforts to which we go to hold public and private events and strongly believe we have the right to hold them without them being overshadowed by undue engine and/or tannoy noise.

If, despite our protests, you 'continue to support this piece of land for these purposes', as you put it, then we have every reason to expect that the scale, frequency and duration of the events will not diminish. In fact, it may even grow, as you might then assume you have an implicit green light to expand your business and/or do nothing to manage the current noise levels.

Therefore, we need to make it abundantly clear that the Parish Council's views are that this is NOT a debate about how many times you choose to reschedule some dates to avoid our village-based events – it is about the effect of the track whenever it is active and, especially, when the prevailing wind carries an intolerable noise here and makes the lives of many villagers quite miserable.

In the meantime, having informed us of your intention to submit the required LDC, we would be most grateful if you could keep us consulted and informed as the process goes forward. Hornton Parish Council will be strongly opposing your LDC application, as I said previously, and we believe there are no substantive grounds for one to be granted.

Yours sincerely,
John Offord
Chair, Hornton Parish Council
cc. Cindy Koberl, Clerk

2.4 History of concerns (past and current) of Hornton parishioners

See also Appendix 3.2 for further examples of parishioners' complaints.

2.4.1 On 19 August 2019, after a series of noisy events at the track, a version of this map (redacted from this document but already supplied in 2019 to CDC) was compiled by a disgruntled Hornton resident, with HPC approval, to show those households whose occupants agreed that they felt the village was 'badly affected' by noise from the track and who wished CDC to know this. Some of them contacted CDC themselves to voice their concerns – see Appendix 3.2.

The homes shaded dark blue on the map are those who spoke up at this time and were so concerned that they opted in to being on this map. They were located in all corners of the village.

Others had voiced their concerns at the time but are not indicated on this map. Since then, householders in additional homes have raised similar concerns.

2.4.2 There has also been coverage in the Hornton village newsletter, including from an MX/motorsport fan who feels the Wroxtton track has now overstepped the mark.

As a further village example, here is an extract from an August 2019 email from a young mother-of-two living in Bell Street, Hornton:

"...the noise is actually rather annoying and becoming more frequent! ... not to mention the numerous occasions where I have almost had an accident on the corner coming back home - where large camper vans turning out the venue are pulling out blindly! not being respectful to potential villagers! ... I also agree that this is a lovely sport and hobby for lots of people to enjoy and I think that's great! however the location and disruption affects our peaceful weekends!"

And a comment from a neighbour in a nearby village, also in August 2019:

"I know I would be thinking of moving house if this were my village. But why should anyone be driven to that?..." "It's a very difficult situation and the village has huge sympathy!"

2.5 Press, social media and broadcast profile (examples)

Many homeowners' concerns are recorded in 2019 local press (*Banbury Guardian*) coverage which is provided in Appendix 3.3.

Quotations in these reports are illuminating, especially in the degree of complaint raised versus the attitude of the track manager and landowner.

To provide irrefutable evidence of the growth and increased commercialisation of Wroxton MX track in recent years, one can view and compare early online amateur video coverage with professional media reports from 2018 and 2019. We can provide a sample of this footage to CDC on request.

As an example, extracts from the commentary in the Action Film Werx's coverage of the Bridgestone British Master 2018 Round 2, held at the Wroxton track, are worth highlighting here:

"over 280 riders"

"one of six prestigious tracks"

"one of the biggest and best motocross championships in the UK"

"grown in popularity and attracts riders from all over Europe... including some of the biggest names in international and UK motocross"

"a variety of spectacular jumps"

"a small valley has been incorporated into the track... [with its] hard-packed surface..."

And, in another Bridgestone report: "...the spectacular Wroxton track with its fantastic jumps and elevation changes..."

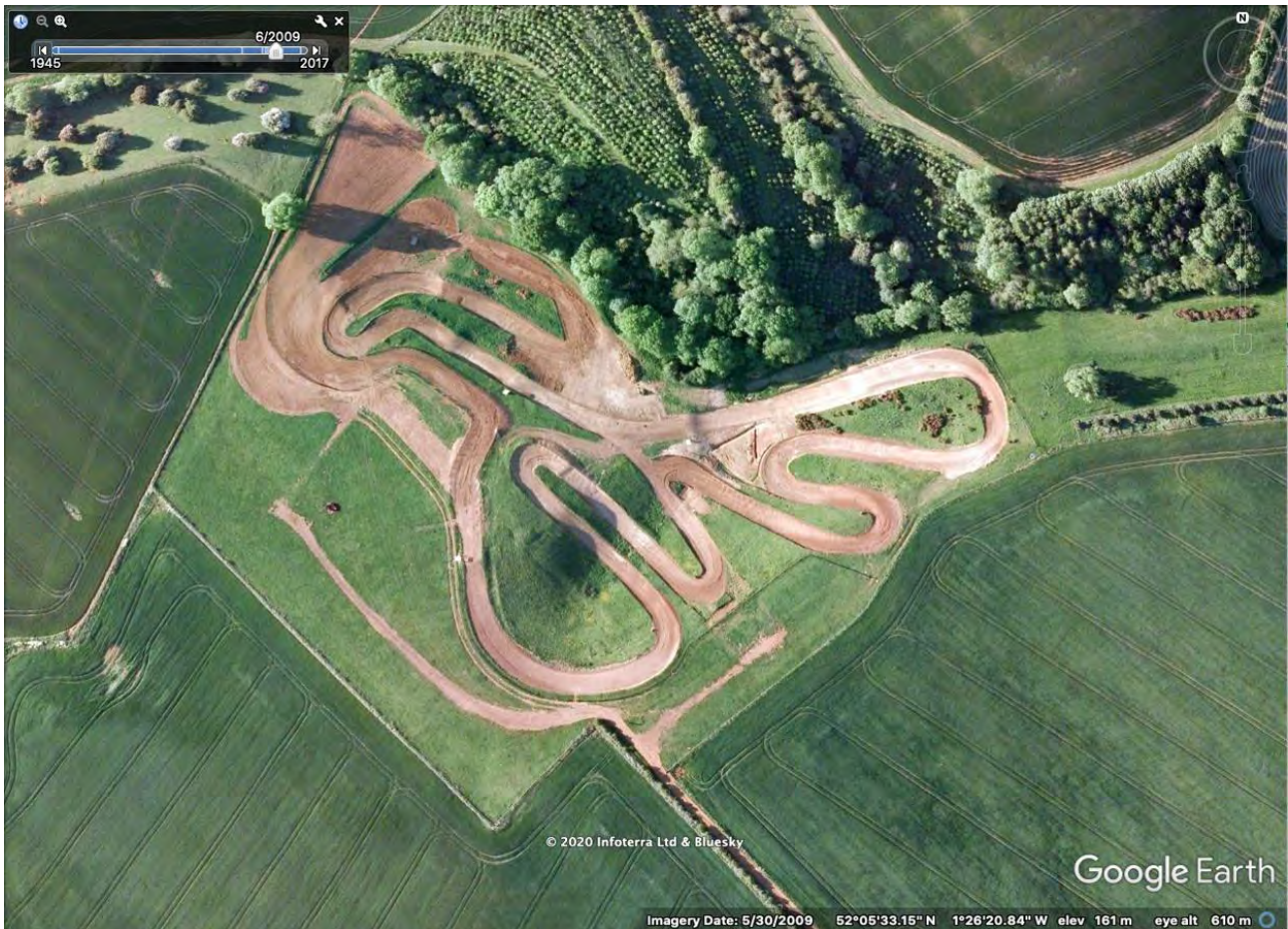
We believe this major Bridgestone event has only been coming to Wroxton track since 2016-17, in light of the changes and expansion of the facility from that time. This is crucial, further evidence of the venue scaling up, physically and commercially.

2.6 Key photographs and aerial views – chronology of how the site has grown

2.6.1 Aerial shots

Google Earth and Ordnance Survey carry these aerial views of the site which allow for a clear comparison of the earlier track – before 2010 - with how it has been developed since.

This is the Google Earth image from 2009, the last image taken before August 2010:



In her submission, the landowner, Sandra Kerwood **says, 'A small number of changes and improvements are made to the track each year but the basic construction remains the same.'**

Brian Pounder, who runs the Banbury Motocross Club, **says, 'Since 2007 we have made a small number of changes and improvements to the track that exists on the site.'**

But this is a drone photograph taken on September 1, 2020, showing just how much the site has changed during the last ten years:



We have analysed the changes in the site over time in two ways and both sets of analyses show that **the applicants' assertions** – that only small, incremental changes have been made - are not born out. Indeed, the analysis reveals irrefutable facts about the growth of the motocross track site, in terms of both overall boundaries and area plus intensification of use because:

- the site area has grown
- the width of the start - so crucial to allow more riders to take part in each race - has grown
- the width of the track has grown
- the length of the track has grown

The first analysis was carried out by Chris Cox, an expert in analysing aerial photographs, and that concludes that the length of the track has grown significantly during the last ten years and so has the amount of the site occupied by barren, brown land, as opposed to green pasture that could be used for grazing.

Further research, using Sketchandcalc software, showed that the site area grew by almost 16.45% from 2009 to 2016, 12.68% from 2016 to 2020 and by almost a third - 31.26% - from 2009 to this year. The analysis also shows that average width has also increased over time, as has the start, allowing more racers to race at any one time.

See also separately-submitted topographical analysis (using SketchandCalc software) and expert witness submission, from Chris Cox.

In fact, when a race meeting is taking place, you can see just how intensely the site is used.

This is an aerial shot taken from Ordnance Survey. Unfortunately, it is not dated. However, we can tell roughly when it was taken: judging by the track's state of intensification and contours, it dates to approximately 2017-2018. Note the additional camping allocation due to the expanded boundaries, allowing the track to become a leading national venue for the first time and to accommodate many more top competitors and spectators plus attract MX media coverage:



APPENDIX

Appendix 3.1

Concerns and Actions of Hornton Parish Council

Representing a cross-section of village residents, HP has been dealing with the motocross issue. The frequency and severity of concerns has risen greatly in the last three-four years, due to marked intensification of activity at the Wroxton site during that period.

Here are some relevant extracts from Parish Council minutes, in chronological order.

NB. The first complaints and concerns arose about Wroxton track from autumn 2017 onwards, coinciding with further development of the track and the scaling-up of the events it held from that summer onwards.

2017

Minutes 04.09.17

15. AOB • Cllr Offord would investigate the planning permission for the motocross. Action: JO

2018-19

Minutes 28.11.16

13.2 Cllr Hewlett would add the potholes on the exit road from the village near the entrance to the motorbike venue to Fixmystreet.

Minutes 04.09.17

4. Matters Arising: Minute 15 planning permission for the motocross events – Cllr Offord reported that the event did not have permanent planning permission but instead had permission for 15 events annually with each temporary licence having a maximum of 21 days. The event was licensed for up to 500 people including staff.

Cllrs agreed that the event caused a noise problem for parts of the village and that the number of large vehicles attending the events caused damage to road surfaces. The Clerk would contact Finlay Scott to ask for contact details for the event organisers. Action: KM

Minutes 12.03.18

4. Matters Arising: Minute 15 planning permission for the motocross events – Cllr Offord reported that the Environment Agency would visit the motocross site this week and would then liaise with Cllr Offord. The Duty Planning Officer would also be contacting Cllr Offord to answer queries regarding the event planning permission. Cllrs agreed that the number of events had increased as had the number of people attending the events. It was noted that whilst the event was not commercial it was causing noise issues, damage to road surfaces and a litter problem and that this was not being monitored at present. It was agreed that Cllr Offord would arrange an informal meeting with the event owner to discuss further. Action: JO

Minutes 21.05.18

11. Matters Arising: Minute 4 motocross – deferred to the next meeting

Minutes 19.06.18

5. Matters Arising: Minute 11 Matters Arising motocross – Cllr Offord gave an update on feedback from Cherwell who had not yet been able to provide a list of motocross events for the current year. Cllrs agreed that it would be difficult to police the event and it was agreed that Cllr Offord would speak to the organiser regarding the issue of noise disturbance in the village resulting from the events. Action: JO

Minutes 09.07.18

4. Matters Arising: Minute 5 Motocross Events – Cllr Offord had spoken to the organiser of the motocross regarding the road surface deterioration at the entrance to the event field and the organiser had acknowledged that this was an issue. The organiser has reported that a litter pick took place after every event. Cllr Offord has also spoken to the land owner who had agreed to forward a list of planned events for 2018. The land owner had also confirmed that a noise test had been carried out on Quarry Road and that this had been within the legal boundaries and that the information has been passed on to CDC. Cllr Offord would contact the land owner again if he did not receive a list of events. Action: JO [Note – no list of planned events has ever been provided to Cllr Offord)

Minutes 17.09.18

4. Matters Arising: Minute 4 Motocross Events – Cllr Offord had received a list of the remaining events scheduled for this year from the event organiser. Cllr Offord advised that the event licence allowed 14 event days and 14 practice days annually. This also included days when vehicles were on site but no competing was taking place. Following discussion it was agreed that Cllr Offord would request a list of all events and practice days for 2019 and that the council would revisit the issue in January. Action: JO

Minutes 25.02.19

4. Matters Arising: Minute 4 Motocross – The council would continue monitoring the number of visitors and the days of the events taken place to ensure they stay within the guidelines. Action: JO

Minutes 01.04.19

3. Matters Arising: Minute 4 Motocross – Cllr. Hewlett and Cllr. Offord met the land owner and two event organisers. The organisers confirmed there would be no increase on the number of events this year but there would be 3 larger championship events. Cllr Offord would make the organisers aware of the participation limit to ensure the events to be in compliance with the legislation of the county council. Action: JO

Minutes 13.05.19

9. Matters Arising: Minute 4 Motocross – Cllr. Offord raised the concern over number of days and attendees at the events, as well as the effects on the roads with the Cherwell District Council but had received no reply. Cllr. Offord would follow up with CDC and forward the event dates to the councillors to monitor the noise level in the village. Action: JO

Minutes 08.07.19

4. Matters Arising: Minute 4 Motocross – The planning Enforcement Officer, Nick Addis, would investigate concerns over the number and size of Motocross events raised by Cllr. Offord under case ref. 19/00316/ENFC. The officer responsible for monitoring the noise levels checked at various points around the village during the event of the big meetings and they were insufficient to cause any action to be taken. The council would continue to work with the enforcement to ensure the events adhere to regulations. Action: JO

Minutes 09.09.19

3.1. Motocross Villager's campaign – Mr. XXX wished to clarify whether the recent villager's campaign to reduce noise from Motocross represents the view of the Parish Council. Cllr. Offord responded that the villagers were acting independently and they were not part of the parish council. The Parish Council **initialised the discussion by raising parish's concern of the growing Motocross events with the local authority, Cherwell District Council Planning.** The focus for the council was not to get rid of the events, but to ensure the events were kept under the agreed planning regulations such as the number of the events and attendees. The chair of the parish council met the owner of the land and the owner expressed the willingness of liaising with the village to avoid having Motocross meetings on the day when the village is having events such as open gardens. The PC was in consultation but the issue would have to be resolved by CDC depending on their interpretation of the rules.

Buildings/Constructions – Mrs. XXX asked if there were planning to construct racing stands on site and how would the villagers find out about it. Cllr. Hewlett advised there was no planning for such

constructions submitted and the parish council would get a copy should there be any application. The planning applications were also available for public access from CDC website.

Noise levels – Mrs. XXX asked who should raise the noise issue with Cherwell. Mr. XXX said the main **issue of the villager's campaign against Motocross was the noise levels. Mrs. XXX said the noise levels** were high and constant in the past few years. Cllr. Offord responded that the parish council had previously contacted CDC environment who came and took readings and none of those readings exceeded the noise levels for action to be taken although the readings were taken only from the green. Mrs. XXX requested parish council to take this up to CDC so they could re-take readings from various areas in the village. Mr. XX advised the villagers could raise the concern of noise directly with governing body of the race, they could deal with the issue more effectively than Cherwell. Action: JO

2019:

Email issued to villagers under the direction of Hornton Parish Council chair, John Offord, 2 September 2019 (extract) – villagers' letters to CDC followed this – see Appendix 3.2.

Hi Hornton,

There have been a lot of complaints about the noise from the Moto Cross track this year – so much so that parish councillors are taking the matter up with Cherwell District Council, which has the power to act. The parish council now needs your help.

Please could you send an email or a letter to Cherwell's Planning Enforcement Officer as soon as possible, setting out your views about the track. He's a busy man and if we want him to do something about the noise – which for many has got beyond a joke this year in terms of volume and frequency – he needs to know that a lot of people in the village feel angry about it. Emails and letters showing the strength of feeling about an issue like this really can make a difference.

So what do you need to know before writing the letter?

First, the background. There has been a Moto Cross track on the site for many years but, until recently, it wasn't a serious problem for us. There were only a limited number of meetings a year, the number of racers was small and the kind of bikes they were racing there didn't make a great deal of noise. But, in the last year or so, a little local track has become one of the biggest in the country, with anything up to 1000 spectators, bigger bikes and more bikes racing. That's why the noise has got so bad.

As a little local track running a few events each year, it didn't need planning permission. You're allowed to run events like moto cross meetings on land without planning permission because it's classed as *permitted development*.

But – and it's a very big "but" – the organisers can only race on 14 days a year under those rules, and spend another 14 days on site clearing up afterwards. That's it – no exceptions. However, this year the track will be used for 24 days' racing and the meetings are now so big that there's no way the organisers can be out of there in just a day. They're cynically flouting planning rules.

...

So our parish councillors are pressing Cherwell to enforce the planning and licensing rules – and that's where our emails and letters will help to the Planning Enforcement Officer will help.

Minutes 11.01.19

5. MotoCross

Cllr. Hewlett read out the following **updates from Cllr. Offord: "The planning enforcement officer was drawing up a lists of questions that the operator is obliged to answer and support with back-up information. We have to be able to help him to improve, there are more larger events which constitute the change of the use effectively."**

Mrs. XXX explained the procedure on councillor's request: The questions drawn up by the enforcement officer were standard questions such as how many events, the duration of the events, the number of bikes, the size of the engine of the bikes, how many people, vehicles camped at the event – the general questions of the usage of the site. The operator would be obliged to provide answer within 21 days. Once the responses were received, the planning officers would start to investigate, this could take months. The councillors tasked Cllr. Offord in his absence to keep in touch with the enforcement officer to find out what the questions were and if we get sight of responses. Action: JO

Mrs. XXX further provided updates on the issue. There were over 100 villagers had been in contact with Mrs. XXX - either written to her or talked to her - expressing their concerns about Motocross from different parts of the village. The main concern on the enforcement side was the site had already got very large, it held national championships and other large events. Nobody wanted to ban it, to move it, or have the place to be stopped from operating - but if the events got even bigger, we would need to have a stand to intervene to ensure the events would be operating within the limited parameters. She had expressed these concerns to the enforcement officer. The hope was that the enforcement officer would ensure the events [are] operating within permitted boundaries, size, volume, frequency and **duration so it wouldn't have such a big impact on us.**

The other aspect was the environmental protection side of it. The two departments (planning enforcement and environmental protection) in Cherwell District Council worked side by side. The concern of the noise levels were mainly from Millers Lane side of the village but also from all four corners of the village. On the days when the environmental officer came to village to measure the noise levels, the readings were under the threshold to be considered as nuisance. Mrs. XXX advised that there was an app for mobiles, called the Noise App, which is considered to be trusted and acceptable by local district councils to provide accurate readings. If the villagers could help to get readings using this app when the events start again, the readings would be sent directly to Cherwell District Council. The environmental protection officer would have to take action when the readings reached the threshold. The information about the app could be found on the village's Facebook [page]. The council **thanked Mrs. XXX's contribution and would provide support to encourage the use of the Noise App. The** clerk would put this on the agenda of the meeting next spring at the beginning of the season. Action: CK

2020

Minutes 10.02.20

14. MotoCross Mrs. XXX advised that the "NoiseApp" is an app to download to mobiles and it is free to use. The readings would be sent to CDC straight away. It would be good if the parish council could promote the use of it before the start of the season as agreed in the last meeting. She would keep in touch with the CDC enforcement department to see if they had the feedback from the survey sent to **the land owner in January. The parish council had not received the list of dates of this year's events.**

Minutes 16.03.20

4. Matters Arising: Minutes 14 MotoCross – Cllr. Offord emailed CDC Planning Enforcement Officer for an update.

Minutes 060720:

1. Motocross

The noise level of the latest MotoX event yesterday (5th July) was clearly audible in the village once **again and the cause of concern, adding to many other previous complaints received. The track's** development, enlargement and growing popularity in hosting international, major commercial race events, bringing hundreds of top riders to the site, were talked about and concerns debated. All agreed the situation had worsened considerably, in all aspects, since 2017-2018. The parish council had made appeals to them but the track had been further developed during the lockdown period. It was agreed that professional advice might need to be sought and that the situation would continue to be closely monitored.

Appendix 3.2:

Record of recent complaints of Hornton parishioners

This is a representative sample of many public complaints and concerns raised from parishioners in recent years. It is presented in approximate chronological order. There is an email audit trail of all items. (Some villagers have requested that their names not be used.)

3.2.1

August 2017: XXX to Hornton Parish Council

Sent: 06 June 2020 13:22

To: clerk@hornton.org.uk

Subject: Moto cross

Hi Cindy, I complained to Roger Bellamy mainly about the noise just after he first joined the parish council. I understand he brought it up at his first meeting thereafter. Perhaps we should get a large discount on our council tax if this goes ahead. Roger has now left the P C

3.2.2

2017-2020: Roger Bellamy – Hornton Parish Councillor, 2016 to 2018

"I was approached by my neighbour, Mr xxx, on a Saturday in August 2017. He complained that the MotoCross had 'become much louder of late and, as a Parish Councillor, what would I do about it?'

At the following Parish Council meeting I duly raised his concern.

"Also, I remember the Chairman reporting back at a subsequent meeting that he had contacted the landowner who said 'she didn't wish her tenants to create a problem for Hornton residents'. I don't believe this was the following meeting after I had raised the matter. ...

Incidentally, when I broached x's complaint, I added that I too, had noticed the increased noise and added that I felt the frequency had increased too."

(Email of 070620)

3.2.3

2019: Pete Lemon and Jim Guest (CDC)

Sent: 19 August 2019 14:46 To: Jim Guest

Subject: Fwd: Wroxton Motocross

Dear Mr Guest. Further to your conversation with my friend XXX, I am writing in support of of the concerns being raised about the increased use and noise generated by the motocross track near our village, please see the attached Word doc. I am happy to meet with you at any time, particularly race weekends, to assess and discuss the matter with you.

Kind regards,
Pete Lemon

Reference Case Numbers: 101001073263 and 9/00316/ENFC

Dear Sir/Madam.

Yet another weekend where the opportunity to spend some quiet time enjoying my garden was spoiled by the sound of up to 160 motorcycles just over half a mile from my front door!

I would like to lodge my comments with you regarding the above numbered cases about the legality and environmental impact of the Motocross track near to our village.

Although often referred to as "Wroxton Motocross" the track is 2.07 miles to the centre of that village whereas it is just 0.72 miles from our home in Hornton where the sound is almost constant during race weekends.

The noise created by motocross motorcycles and quad bikes is of such a pitch and volume that it carries to our village with those properties on the north side (south facing) roads, Eastgate and Millers Lane, being blighted the most and are able to hear race announcements, engines starting and revving and so on. However, all of my friends in the village have commented about how intrusive the noise has become lately and at least two were recently unable to eat outside on a Sunday when they had guests for lunch.

When the wind is from SW it gets even worse and then the whole village experiences the volume of the screaming engines. In fact there are few if any parts of the village and surrounding countryside that are now truly peaceful on race meeting weekends.

Like me, you may have read recent reports in the Banbury Guardian which include reported sounds tests being within acceptable levels and even suggestions (somewhat offensively in my opinion) that the sound of a blackbird or rustling leaves on a tree are the more prevalent sounds to be heard in the village on race weekends.

It is not so much the volume of noise generated by the motorbikes it's the constant background whine that we have to endure from 9am on Saturday and Sunday during race weekends.

It's difficult to appreciate what this sounds like and the impact it has unless you live here. Imagine, if you will, the sound of a bumble bee trapped in a tin can in your living room whilst you are watching an film. It wouldn't be the loudest sound in the room but it would be annoying and it would spoil your enjoyment of the film.

Now imagine that level of annoyance in your garden all day Saturday and Sunday during the summer. The blackbirds, the rustling trees, the BBQ, the lawnmower, the children playing will all make more localised noise but behind all of that there is the constant whine of the motorcycle engines. And bear in mind, these are not highly silenced road bikes; these are highly tuned racing machines.

It seems that the track is being used more often this year and the number of bikes and so the associated support and accommodation vehicles has also increased with the inevitable impact on the lanes to the site entrance.

It doesn't take much research online to find evidence that the track has been developed for this year's meetings and there are many superlatives praising the work carried out over winter to make it ready.

This work enabled the return of quad bike racing this spring after 5 years absence and commercially sponsored teams and events are commonplace if you look on the "Wroxton Motocross Track" Facebook pages and those of the motocross press. One of just six, two-day race meetings that make up the Bridgestone British Masters was held at the track in May this year.

This is evidence that the track is being developed to accommodate more race types and bigger events and has already become "...one of the three top tracks in the country." as the organiser Mr Pounder recently told the Banbury Guardian.

He went on: "We usually have about 160 competitors and mums and dads come too so it can add up and there could be 400 - 500 there."

I understand from the Hornton Parish Council July meeting minutes that the site is operating under The Town and Country Planning (General Permitted Develop) Order 1995, Schedule 2, Part 4: Temporary Buildings and Uses, Class B: Permitted Development, which, for motor car/cycle events, allows for just 14 days use per year.

I also understand that there are 24 days of racing planned this year spread over 19 weekends. Even when racing is only on a Sunday, it seems that they practice on the Saturday as we still experience some noise.

In 2019 there was/will be race meetings every month from February to November (10 months!) with 15 race days taking place between May and September, when people are most likely to be using their gardens. Three weekends in June alone!

Given that set up and riders arriving usually starts the day before race day and allowing for a clear up day afterwards, this would mean the site is in use up to 57 days a year. It seems to me that the use of the track is in breach of the planning law.

In summary, I would like you to take into consideration my concerns regarding the legal status of the track under current planning law and the environmental noise impact on our village, a conservation area, generated by the racing track.

This situation has to be moderated if it is breach of the law and cannot be allowed to continue to grow unchecked.

*Thank you
Pete Lemon*

On 23 Aug 2019, at 15:43, Jim Guest <jim.guest@cherwell-dc.gov.uk> wrote:

Hi Pete,
Thanks for your email and the supporting information for the ongoing case with Wroxton Motocross Circuit. I will be working on this in conjunction with our Planning Enforcement team. I will aim to install noise recording equipment at different locations around Wroxton in time for the next event which is the second weekend of September. I will ensure you are kept up to date on any progress.
In the meantime, please do get in touch if you have any further problems or queries.
Kind regards,
Jim

3.2.4 2019: Doug Smith to HPC & CDC

Sent: 03 September 2019 18:04

To: 'nick.addis@cherwell-DC.gov.uk' <nick.addis@cherwell-DC.gov.uk>

Subject: moto cross noise and disruption

Dear Nick

I am writing to you to express my dismay over the noise and disruption caused by the expansion of the moto cross races on weekends near Hornton. I have lived here now for nine years and have noticed a great increase and expansion of the events. I thought they were only supposed to race for one day each weekend they come over a period of 14 events. I can assure you that that is certainly not the case. The constant racing and tannoy noise starts Saturday morning and carries on until Sunday afternoon. If they are permitted to actually run moto bikes noisily on one day only then that would account for 7 events. However, there seems now to be an event every other weekend.

I read in the Banbury Guardian that the event organiser came to Hornton to check the noise and believed it was no louder than a blackbird call. I found this insulting. There is an obvious difference between the natural sounds of birds singing and the constant mosquito like drone of industrial vehicles. Perhaps he loves the drone of these petrol belching machines and finds it soothing. The rest of us, who chose to buy houses and live in a quiet village environment, certainly do not.

I have also noticed how big the event seems to have become. There used to be a handful of trucks and vans located near the tracks. Now the vans and trucks line the whole horizon as far as they eye can see across that big field. A friend of mine thought it looked like a big music event or festival when they came to visit recently.

We have never been consulted about the obvious expansion of the event or the increase in the number of noisy racing days. I must assume therefore that the event organisers have little or no respect for the impact of their noisy and polluting event. In this world of global warming, I feel it is obscene that these organisers

wish to just keep expanding this petrol driven pollution and the local council seems to just accept it blindly. The run off from the track feeds directly into a small brook which eventually feeds major rivers. On Friday afternoons as we enter the village now we can find ourselves in a traffic jam of large trucks and vans. I notice as well that once they have left there are empty beer bottles and cans and MacDonalds packaging strewn in the hedges.

I am not making this plea as a "nimby", but rather as an environmentally aware and concerned local tax payer. Action must be taken to send a message that Cherwell District Council protects the rights of local citizens and believes in limiting pollution (both noise and environmental).

Please take immediate action.

I appreciate your time in reading this email.

3.2.5

2019: Anne & Peter Joyner to Hornton PC and CDC (N Addis)

Mr N Addis, Cherwell District Council, 4 September 2019

Re: Wroxton Motocross

We understand that you are currently considering the operating methods of the Wroxton Motocross Track run by Mr Brian Pounder on land adjacent to Hornton village.

We have lived in Hornton for 30 plus years and have therefore been tolerantly aware of the various clubs and activities in the local area. Up until the last couple of years these local clubs; shooting, gliding, go-kart and the motocross, have all caused minimal noise and disruption.

We are, however, extremely concerned about the gradual and profound changes in use of the motocross track. It started off as a hobby track, but over the last couple of years it has expanded dramatically. We know for a fact that it has hosted at least two International race weekends as well as prestigious British race meetings. Consequently the vehicles have become much more powerful and noisy and, of course, much more numerous. In addition what used to be a temporary ad hoc campsite now holds hundreds of huge camper vans, caravans and transporter vehicles more akin to a full-blown holiday park. The site (does it have mains drainage?) must surely have also changed in order to provide refreshment, toilet and shower facilities for so many people when we always understood that the organisers did not have permission to build there.

Visitors begin to arrive on the site on the Friday of race meetings and leave late on Sunday when presumably the clearing up begins, which means that the site is now in use for three if not four days a week rather than the day of the races. In addition to this the number of meetings has increased from 14 spread out over the year, to the point where during the summer the noise and disruption has been more like every other weekend.

We appreciate that the organisers have taken care to direct their visitors away from the village and only access the track from the Stratford road side of the village, and that they pick up any roadside litter. This access road, however, was one of the small local roads not designated for regular repair and so its increased use by heavy vehicles has resulted in considerable damage to the road edges and surface.

We are extremely concerned that if left unchecked it will only be a matter of time before the organiser erects a grandstand, clubhouse, restaurant and bar or some other sort of built facility. In that case there would also be an increase in the existing loudspeaker/tannoy noise, and the growth of the track would continue unabated. We very much fear that a full scale racetrack is likely to grow by stealth on our doorstep unless some sort of controls are put in place.

Thank you for taking the time to read this letter and we sincerely hope that you will give our objections due consideration.

3.2.6

2019: Lorna and John Abbott to CDC

Sent: 05 September 2019 09:56

To: nick.addis@cherwell-DC.gov.uk Cc: John Offord
 Subject: Moto Cross/Hornton

Good morning Mr Addis

... I'm writing to express my deep concern about the flagrant flouting of planning and licensing rules by the organisers of the Moto Cross events staged just outside the village of Hornton.

It has become clear that in recent years this Moto Cross enterprise has morphed from a small and responsible one into a major unregulated and unlicensed commercial one. The number of events held has increased significantly as have the number of people attending, the latter reaching over 1000.

Small local events have turned into national ones.

These major changes have occurred without any consultation with local people.

3.2.7

2019: Lynn & Roger Corke to Nick Addis, CDC

Date: Tue, 10 Sep 2019 10:22:40

Dear Mr Addis

We understand that you are the planning enforcement officer for Cherwell District Council who is examining the operation of Wroxton Moto Cross track.

We have lived in Hornton for almost 30 years and we'd like to say, at the outset, that we have never been against the track operating - as it has done for almost all of that time. Until recently, it operated a few times a year - around a dozen - and was clearly a local facility that local enthusiasts enjoyed. The disruption was minimal and, although we could hear some noise, it was tolerable for the limited number of days it operated each year.

Recently, however, a small local facility has turned into a national sporting facility - a facility that the organisers are proud to boast is one of the top three moto cross tracks in the country. The number of meetings has increased, the number of spectators and their vehicles has exploded in size and the noise from the track is now quite extraordinary. Not surprisingly, one of the top three tracks in the country attracts bigger bikes, with bigger engines and more bikes racing at any one time. It is no longer a small track run by enthusiastic amateurs but a significant commercial enterprise, attracting hundreds of people from all over the UK.

The organisers have tried to claim in the Banbury Guardian that there has been no change in the type of racing that has been carried out over the last few years. If that is the case, how can they account for the increase in the volume - and the change in character - of the noise from the track? We used to call the noise made by the bikes at a meeting the "buzzy bees" because that's what they sounded like. You could hear it but, on the live-and-let-live basis, it could hardly be called intrusive. Now the noise is akin to what you'd hear at Brands Hatch. On one Sunday in August, the noise was so loud that, when we had friends round, we couldn't sit outside in the garden. And around half the weekends in late July/August were ruined because of the noise - sometimes on both days. So, at the very time of year when the weather was good enough for us to sit out in our gardens after a week's work, the noise from the track over the hill stopped us from being able to do so.

And the amount of traffic now going to and from the site is much greater than it used to be - and far too much for the narrow country roads leading to and from the track. Neither does it help that some vehicles and trailers go in and out from the main Stratford Road. The road layout there - on a stretch where cars are often travelling at 60mph quite legally - is not designed for large numbers of big vehicles, often with trailers, to pull in and out safely and they can't.

The operators of the track know all this, so we find it difficult to understand how they can claim to you that the noise, disruption and traffic - which they must know has grown exponentially recently - is no more intrusive now that it was a few years ago. If they were running the track back then - and we understand that they were - they must know that is untrue.

They must also know that, if they are operating under permitted development rules, then they are only able to operate on 14 days a year, be on site for another 14 days and clear every item relating to moto cross off the site between meetings. They must know that, for any more meetings than this, they need to apply for full planning permission.

They must also know that, if they are attracting crowds of up to 1000 people, they need a licence, yet they have not applied for one.

They continue to ignore all these rules and regulations which are designed to ensure that everyone can co-exist peacefully together, without one group's hobby being stopped or another group's peace and quiet being disrupted unfairly.

We are not NIMBYs in Hornton. We are happy for the track to continue but only if it operates under strict rules, regulations and guidelines - all of which now need to be rigorously enforced by you, given the thoughtless and selfish way the operators have been flouting them recently.

It is most unfortunate that you have to take enforcement action in this case but please can we have your assurance that you will do so as soon as possible.

3.2.8

2019: YYY, emails to HPC and neighbours

27/08/19 09:04

I now have a decibel meter as an app on my iPhone.

I have collected some 30 second average sound recordings and measurements.

Eg:

Normal conversation at home..... 54 - 57dB

General hubbub in a café 77 dB

Car on motorway at 70mph..... 100 dB

Planes overhead in Hornton - taking off from Birmingham Airport73 dB

I'll collect more over the next few weeks

When next there is a Motocross event I'll take some recordings and measurements...

We find the starts particularly noisy.

23/09/19

I took some more sound measurements with my Decibel Meter yesterday.

Very wind dependant but our side of the hill receives full on sound at race start times.

One period yesterday sustained 100dB

3.2.9

2019: XXX, dialogue with Nick Addis and Jim Guest at CDC

XXX has been in contact with HPC, its chair John Offord and clerk Cindy Koberl, other HPC councillors and officers in the Planning Enforcement and Environmental Protection teams at CDC on many occasions since August 2019 and up to and including June 2020. There are copious online records of everything.

Examples:

22/09/19 16:54:

I have been out and about in Hornton at various times today ... Here is a summary of what I heard of the motocross:

- The bikes started at 9am approx*
- They are still going at 16.47 (and I have witnesses of guests here and my husband to corroborate this)*
- During my outdoor listening opportunities, they were loudest in the early-mid afternoon - I have no idea whether they race larger or bigger-engine bikes at that time or whether the atmospheric conditions changed ...*
- I walked a loop ... to the Horley Road then down Millers Lane this afternoon (between 3 and 4pm) - at the upper sections of this loop I could hear very loud engine noises, the roar of race starts etc. The same as far*

down as our garden Today, the sound diminished a lot as you head across The Green to Bell Street and West End. ...

22/09/19 17:52 – to Jim Guest, CDC:

One more contemporaneous update for your audit/evidence trail...

I have just stood out in the back garden at our home ...for 20 minutes. The bikes went silent at 17.41 precisely. They were certainly racing at full throttle till this time. I could distinctly here lots of different engine noises revving up and down as they went round the track. ...I have waited another five minutes and they haven't started up again so I assume that is the end of today's event.

Contemporaneous note of XXX's representations to HPC councillors in 2019:

"When the Wroxton motocross track first opened there was, in Hornton, widespread tolerance and willingness to accommodate it while it was on a relatively small scale and for local Banburyshire families and their enthusiastic children. The change of scale and impact in the last four years (2017-2020) or so, however, has triggered a higher degree of anxiety and unhappiness with the operation of the site. At no stage have the residents been approached for their views or had shared with them the intentions for the track's development. The Parish Council has, on a few occasions, sought reassurance from the track manager, Mr Brian Pounder, or the landowner, Mrs Sandra Kerwood, but this has been in short supply and, when eventually delivered, felt to be either inadequate, unsympathetic or incomplete. We remain on civil terms with both of them, despite this.

"The issue is that the track has become a major commercial enterprise – a national and international facility for competitors, spectators (plus their campsite) of all ages, plus media. On race days and weekends, the number of participants and their supporters has dramatically increased. Plus the many people camping at the site for one or two days, with tents and camper vans.

"Also, in the last few years, including during the recent lockdown period, enormous landscaping has taken place on the course. [Plus an under-track drainage system has been added.] You only have to look at photographic evidence to see this instantly. It is now considered, by commentators and riders, to be one of the most 'prestigious' and 'exciting' tracks of its kind in the UK.

"Noise from the track is a serious problem for Hornton – and, to a lesser degree, for other nearby villages, including Horley, Shenington and North Newington. On race days, depending on the wind direction – and the prevailing wind is southerly or south-westerly, directly towards Hornton from the track – many homeowners cannot sit out in their gardens during the spring and summer months. From early morning till evening, the noise of revving engines, track noise and the tannoy system booms around the village, reverberating and bouncing off the valley sides. It is hugely invasive. Taking advice from a Cherwell District Council officer, we will be monitoring it using the Noise App in the coming season.

"Many of us wonder where this will stop. We are astounded that the track has grown to this scale and, apparently, been able to ramp up its commercial revenue and international prominence without any kind of statutory check or guidance. All of us believe in 'live and let live', but also in mutual respect and abiding by reasonable planning laws and limitations plus the terms of their licence."

3.2.10

June 2020: John Wright to Nick Addis, CDC, copied to HPC's Clerk

Re: Banbury (Wroxton) Motocross Track.

For many years now, Banbury Motocross events have been operating at Wroxton MX track, near the village of Hornton, as I'm sure you are aware. The effects, in terms of noise and traffic, of the meetings have always been something of a nuisance since the first years of its running. Sadly, the problem has worsened over the last few years and reach a peak in 2019. The prospect of bike racing resuming after lockdown has finally prompted me to write to you to register my views on the matter.

There are a number of issues I find disturbing:

- *Seemingly, limitations on the overall number of events have, for a long time, been breached, far exceeding the 14 days generic limit, and the land does not revert to agricultural use in between.*
- *The events now have grown from a series of local Banburyshire and regional activities into*

international championships and major competitions for all ages; without planning permission or a licence being applied for, I assume.

- *Do the permissions controlling such events allow for weekend camping? If not perhaps another example of flouting the rules!*
- *As the number of events has grown so has the number of participants and spectators – apparently, now well over 1000 people for the larger events.*
- *Noise levels have consequently risen considerably and are now very intrusive.*
- *Noise created (engines and tannoy) affects all of Hornton village - you cannot escape the problem, including at my home: ...*
- *Equally, the sound of the races echo and reverberate around the valley in which Hornton sits. There is no escape short of staying indoors, most unsatisfactory.*
- *Access to and from the meetings is far from adequate and potentially hazardous. In particular, the exit from the site is only yards away from a blind bend.*
- *The approach roads are far too narrow for such large vehicles (camper vans, support vehicles and trailers) and the number involved. Ultimately, the roads and grass verges are getting damaged. Much to my annoyance, I have been forced off the road during the exodus of such large vehicles in convoy, on more than one occasion.*

To conclude, it must be quite obvious that I am far from happy about the present situation that I and others in our community have had thrust upon us. There has been no consultation about any of the scaling up or impact on the village and, I understand, the track manager is dismissive of the effects on us.

It is hoped that my views will have some effect on the outcome of any planning decisions to be made concerning the future of the Banbury (Wroxton) Motocross Track. I respectfully urge that planning permissions be curbed and thereby activities reduced, rather than allow any further expansion of the business.

3.2.11

June 2020: Andrew Higgins to Nick Addis, CDC, copied to HPC

Wroxton Motocross Track: Activity on the track this weekend (14 June 2020) + Facebook and video evidence

Many Hornton villagers have been very concerned about the motocross track at Wroxton, run by Banbury Motocross Club. In the last few years it has been hosting much larger, much noisier and much more lucrative events that have a huge noise impact and seem to be impervious to any planning controls.

Walking yesterday near the track site, I noticed bikes using the track and camper vans parked up in the camping area. Strange! I thought that we are still in semi-lockdown and that the track is limited to 14 days per year of usage? I could hear the bikes roaring round from some way off.

When I got home that evening I looked up the Banbury MX Facebook page to find that Jessica Pounder, one of the Pounder family track management team, had posted the following with a video of one of the bikes doing a fast lap of the track earlier in the day, when I saw them. Note the mention of the 'lap time extension' and the 'new section'. Also, the clear reference to 'working hard' to get the track ready to re-open - once again, indicating very clearly that this is a permanent track feature on the landscape.

I am attaching here a link to the Facebook page in the hope that, despite the Wroxton MX Facebook page being a closed group, you can see the video posted with these words and see for yourself how developed and huge and developed the Wroxton circuit now is:

<https://www.facebook.com/groups/724606377655766/> [see below]:

Jessica Pounder

Admin 1 hr 14 June

Evening all hope you have had a lovely weekend

Today we trialed the recent changes as you can see a definite lap time extension with the new section, all jumps are do-able and safe.

We are clinging to hope that it's not too much longer until we can invite you all back and hold events again.

Although still very much locked down the we are working hard and can't wait to return.

Thankyou to the boys for working so hard all year round & continuing to make Wroxton the track it is today.

With racing about to resume (they are hoping to do so in July), I and my neighbours are even more concerned about this track and its effect on us. Hornton Parish Council has flagged that the track is, under your jurisdiction, about to apply for a Lawful Development Certificate: surely our concerns and the track's actions, especially in the last few years, cannot mean that an LDC will be granted?

From: Nick Addis <Nick.Addis@Cherwell-DC.gov.uk>

Date: 16 June 2020 at 10:12:34 BST

Dear Mr Higgins

Re: Unauthorised change of use of land from agricultural to motorsport with significant intensification over recent years and erection of timber fence

Thank you for email of 15 June 2020. Your comments have been noted.

However, Planning Enforcement do not process planning applications. Should the Track submit a planning application, the public documents can be viewed by visiting <https://www.cherwell.gov.uk/info/9/planning-and-building> and any comments regarding the application can be added on line.

At this time the Track has been invited to apply for a Lawful Development Certificate and have been given until 16 July 2020 to submit the application.

Cllr John Offord of the Hornton Parish Council is aware of the situation.

Should you have any queries in the meantime, please contact me.

Yours sincerely

Nick Addis

Planning Enforcement Officer

3.2.12

June 2019: Mr and Mrs A Higgins to Nick Addis, CDC, and HPC

As long-term residents of Hornton, we have become increasingly concerned by the way the Wroxton Motocross track has expanded in recent years. Having learnt recently that the organisers are applying to CDC for a Lawful Development Certificate (LDC) and with the imminent prospect of race meetings resuming in July, we feel it is time to express our serious reservations about this operation.

Over the years, the track has changed from a relatively amateur local enterprise with a few weekend meetings each year to a national sporting facility – **“one of the three top tracks in the country”**, according to the organiser, Mr Pounder. It now attracts riders from all over Europe including some of the biggest names in international and UK motocross as well hosting one of just six, two-day race meetings that make up the Bridgestone British Masters, most recently in May 2019.

This change has led to many more race fixtures; more powerful bikes leading to a very noticeable increase in engine noise; many more competitors and supporters with a concomitant increase in traffic leading to a degradation of the already poor surface (and verges) of a road that is far too narrow to accommodate the many, large vehicles now accessing the site. In short, Wroxton Motocross Park, as it is now called, has become a major commercial enterprise.

We ... have witnessed considerable earthworks there this spring during the Coronavirus lockdown. It is obvious that the boundaries have been expanded and we are also unclear as to how it can possibly revert to agricultural use between race meetings, practice sessions and hired-out fixtures. We would be interested to know how such a substantial change in use, from what was once essentially a field into an established racetrack, has occurred without (to our knowledge) referral to the Planning Department of CDC.

2019 was one of the worst years we can remember for noise pollution from the track, which held far more meetings than in previous years. Now we notice that the 2020 Wroxton MX schedule lists 26 race days, far more than the legally allowed 14! We have no desire to spend our summer weekends indoors to escape the noise of revving engines and the tannoy/loudspeaker system and would therefore strongly urge that CDC both curb any planning permissions and allow no further expansion of this business.

We will be submitting similar concerns when and if the LDC application is made by the track management in July 2020.

3.2.13

July 2020: Mrs XXX to Nick Addis, CDC, and HPC

Re: Wroxton Motocross Track

I understand your department is currently awaiting the application for a Lawful Development Certificate from Wroxton MX Track on land near Hornton village. I would like to voice my concerns about the impact of the track on our village.

We have lived in Hornton for over twenty years and are aware of various local outdoor recreation clubs and activities. Up until 2017-2018, these local clubs, ranging from shooting and gliding to motocross, have caused tolerable noise and disruption. However, now the Wroxton MX track is overstepping the mark. There have been gradual and wide-ranging changes at the motocross track. It has expanded dramatically and it is used more often, with heavier traffic inhibiting the route into the village. I believe that it now exceeds the original standard 14-day agricultural land limit and the meetings are getting bigger and bigger and hosting lucrative international events attracting UK and European top riders and their powerful and noisy vehicles, as well as their supporters and spectators, many of whom camp at the site, in the recently-enlarged camping area, for entire weekends. It's now become a 'motocross village'.

It is concerning how this commercial race track has grown to this degree, unchecked and uncurbed by any planning constraints that the rest of us observe.

Hornton Parish Council have also raised concerns, on behalf of some villagers and have also made direct representations to the landowner and manager of the track. It would be encouraging to know that some sort of reasonable controls be put in place and complied with.

Thank you for taking the time to read this letter and that the views raised will be taken into account in the LDC process.

3.2.14

July 2020: Mr & Mrs Bridgeman to the chair of HPC

Re: Motocross which we note is on the agenda of your next meeting.

Originally, we were not opposed to the Motocross. Everyone needs somewhere to follow their sport and we were encouraged to support it on the grounds that it was for local youngsters to enjoy some sport and family fun at a strictly limited number of meetings.

We were assured that the number of weekends would not increase, neither would the number of races in a day and nor would the volume of sound ever be allowed to rise to public nuisance levels. We assumed that any changes to these assurances would need to be put to residents and any proposed development of the site would need planning permission before any work were undertaken.

It appears assurances have not been adhered to and neither has necessary planning permission been sought at the appropriate time to enable residents to examine the proposals and put their comments to the Planning Authority.

3.2.15

July 2020: G Griffiths to Nick Addis, CDC, and HPC

Sent: 28 July 2020 14:15 Subject: Racing at Wroxton

Dear Mr.Addis

Wroxton Motor cross Track - Event held July 26th.2020.

I felt compelled to write re the above event. I've been pretty tolerant in the past but this Sunday was a very different matter. I had taken myself, coffee and the papers into the garden for a peaceful hour. It lasted ten minutes! It was the noisiest it has ever been with little respite. A combination, no doubt, of bigger engines, the prevailing wind and the size of the event.

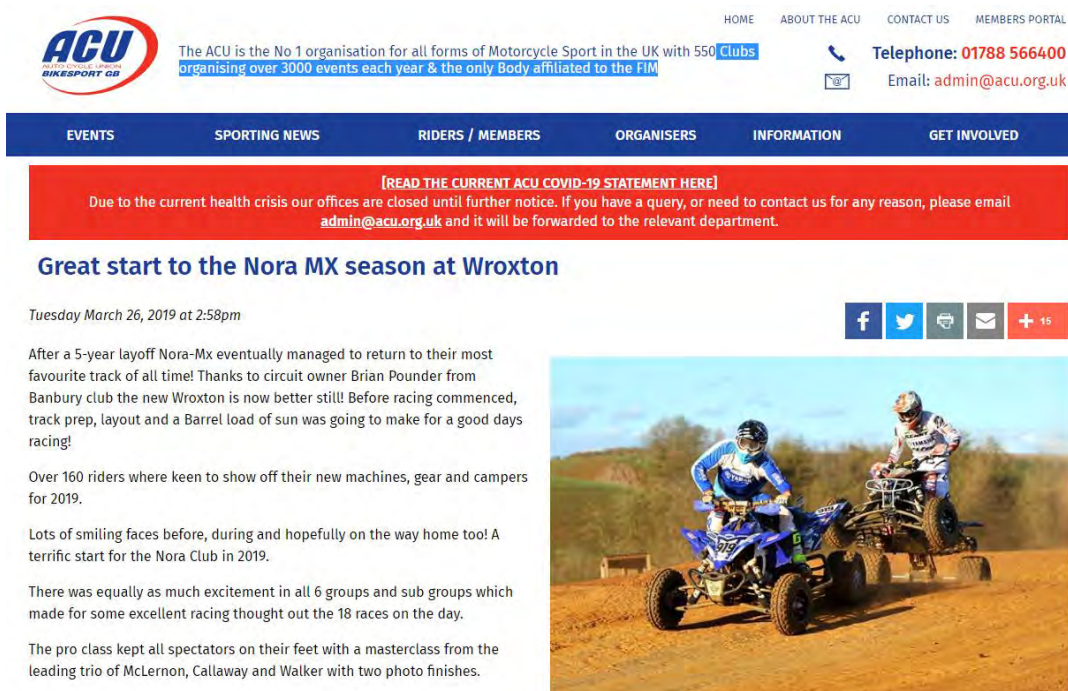
I don't know what can be done but something should be. The Wroxton MX Track has grown out of all proportion for a rural area from small local events to national and international occasions.

I believe also that the racing and clearing up takes longer than the days allotted.

Perhaps Cherwell Planning can suggest a way forward allowing us all to rub along together amicably.

Appendix 3.3: Key media coverage examples

In March 2019 the Wroxton track season got off to a flying start – with media prioase for the further improvement of the track by Brian Pounder (named in the intro below) and boasting of 160 riders attending this event:



The screenshot shows the ACU website header with navigation links: HOME, ABOUT THE ACU, CONTACT US, MEMBERS PORTAL. The ACU logo is on the left, and contact information is on the right: Telephone: 01788 566400, Email: admin@acu.org.uk. A blue navigation bar contains: EVENTS, SPORTING NEWS, RIDERS / MEMBERS, ORGANISERS, INFORMATION, GET INVOLVED. A red banner below the navigation bar contains a COVID-19 statement: [READ THE CURRENT ACU COVID-19 STATEMENT HERE] Due to the current health crisis our offices are closed until further notice. If you have a query, or need to contact us for any reason, please email admin@acu.org.uk and it will be forwarded to the relevant department. The main article is titled 'Great start to the Nora MX season at Wroxton' and is dated Tuesday March 26, 2019 at 2:58pm. The article text is as follows:

After a 5-year layoff Nora-Mx eventually managed to return to their most favourite track of all time! Thanks to circuit owner Brian Pounder from Banbury club the new Wroxton is now better still! Before racing commenced, track prep, layout and a Barrel load of sun was going to make for a good days racing!

Over 160 riders where keen to show off their new machines, gear and campers for 2019.

Lots of smiling faces before, during and hopefully on the way home too! A terrific start for the Nora Club in 2019.

There was equally as much excitement in all 6 groups and sub groups which made for some excellent racing thought out the 18 races on the day.

The pro class kept all spectators on their feet with a masterclass from the leading trio of McLernon, Callaway and Walker with two photo finishes.

To the right of the article is a social media sharing bar with icons for Facebook, Twitter, Print, Email, and a plus sign for more options. Below the text is a photograph of two riders on quad bikes racing on a dirt track.

Meanwhile, witnessing all these events from their village vantage point in Hornton...

HPC chair, John Offord, is prominently quoted in the first half of this first 2019 story in the Banbury Guardian: eg.

"Most people would accept it if it were what they were entitled to but the size and frequency of the race meetings has been ramped up gradually and it's now unacceptable"

His claims are dismissed by landowner Mrs Kerwood:

"It is a very good site and accessible and these things have to go somewhere."

Track manager Brian Pounder, of Kidlington, pours scorn on the Hornton claims of noise and raises issues about planning and the licence terms:

*"You could faintly hear bikes but the loudest noise was a blackbird singing"
"... allowed 28 events a year. ... We've run 21 or more dates over the last ten years."*

' did not think planning consent was needed for the toilets...'

" we are going to apply for a licence for attendance. Wroxton is one of the three top tracks in the country ... it can add up and there could be 400-500 there"

Banbury Guardian, 8 August 2019:

Two sides disagree on rights for motocross

Hornton villagers' summer days disturbed by noise and traffic

By ROSEANNE EDWARDS
roseanne.edwards@gjpimedia.co.uk
01295 817674

Environmental health officers have been drawn into a dispute between residents of Hornton and organisers of a popular motocross site.

The Wroxton Motocross Track runs 21 or more competitions each year but Hornton Parish Council claims the limit under planning law is 14.

John Offord, chairman of the parish council, said: "The track has been there a long time and is operated under 'permitted rights'. That allows them to be on site for 28 days a year but only 14 racing days.

"Over the years there have been more and more events and each has got larger and larger. They've even had national events there.

"It means an awful lot of vehicles travelling on these little country lanes - but noise has become the biggest issue.

"When it was a small event

some people complained but most tolerated the noise. Now the operation has grown in scale hugely.

"It used to be maybe 100 to 200 people there but now it's up to 1,000 in breach of the planning rules.

"To have crowds over 350 they need to liaise with councils and prepare risk assessments."

Mr Offord said the organising teams were on site the day before racing and again afterwards resulting in up to 42 days' presence instead of a maximum of 28. He said the parish council had met with the organiser, Brian Pounder and landowner Sandra Curwood but neither believes they are breaking planning law.

"We got no positive result from them so we referred it to Cherwell District Council's enforcement department," said Mr Offord.

Mr Offord said the track is about half a mile from Hornton and that numerous large vehicles, cars and caravans use the country approach roads to reach the track.

"The noise affects some parts of the village more than others and it is especially bad when the wind is blowing in this direction," he said.

"The problem is that most events are held in the summer months between 10am and 6pm when people want some peace and quiet in their gardens.

"Most people would accept it if it were what they were entitled to but the size and frequency of the race meetings has been ramped up gradually and it's now unacceptable."

Landowner Sandra Curwood of Balscote said: "They brought this up last year and I went to a planning specialist who said we were within our permitted development rights.

"It's possible it seemed worse last year because of the good weather and people were outside in their gardens more.

"It is a very good site and accessible and these things have to go somewhere. There would be a bigger problem with queuing on race days if people didn't go there the night before."

Organiser Mr Pounder said

the club was allowed 28 events a year. "To say it's only 14 race days is totally wrong," he said.

"We've put in (to the council) ten years of dates. We've proved the numbers haven't gone up. We've run 21 or more dates over the last ten years."

Mr Pounder said the club had bought a noise reader and that there were no readings in Hornton over and above background noise levels. "You could faintly hear bikes but the loudest noise was a blackbird singing," he said.

"We did get a visit from two of the Hornton parish councillors but that was the first we had heard of this. We are going to apply for a licence (for attendance). Wroxton is one of the three top tracks in the country. We usually have about 160 competitors and mums and dads come too so it can add up and there could be 400-500 there."

Mr Pounder said the organisation did not think planning consent was needed for the toilets wind-breaks and he was waiting to hear the outcome of an investigation by Cherwell.

This was the village's reaction to that story, Banbury Guardian, 15 August 2019:

Thursday, August 15, 2019 | www.banburyguardian.co.uk

Hornton motocross is 'like Brand's Hatch'

Angry villagers say peace is shattered by 28 days of racing

By ROSEANNE EDWARDS
roseanne.edwards@banburyguardian.co.uk
01295 817674

Hornton villagers have reacted with anger to claims by organisers of a nearby motocross track that the operation is not noisy.

Brian Pounder, who runs the Wroxton Motocross Track, said in the Banbury Guardian last week that the group's own noise recordings showed blackbird song to be louder than the motorcycles racing.

Hornton Parish Council has complained to Cherwell District Council because under 'permitted rights', the track is only allowed 14 race days a year and villagers claim up to 28 races are held. Organisers say they are allowed more than 14 competitions.

Some villagers say they hear the noise inside and out on race days. One said he had to hold a garden party inside on Sunday because of the relentless sound of bikes.

Roger Bellamy of Millers Lane said: "The club appears to deny there should be any restriction on their hobby.

"The noise can really be intrusive. I used to live next to the flightline for RAF Brize Norton and can honestly say the noise here is more intrusive by volume and duration. The allotments on the hill above the village are especially prone. You can even under-



John Abbott, Roger Bellamy, Jessica Wolckenhaar and Laurie Furneaux object to the noise of motocross racing

stand the commentary and details of each race," he said.

"This wouldn't be allowed close to Banbury so why should Hornton suffer? With most meets taking place in the warmer months it's a blight on our outdoor environment at weekends. I'd rather have HS2 - it'd be a lot quieter."

Chris Woodcock said: "I've lived in Hornton since 1993 and never known noise disturbance like it. We hear it very distinctly in our garden and in the house if windows are open. This motocross lo-

cation is in open countryside where the noise does carry and it goes on for most of the day. It has been worse in the last couple of years."

Peter Joiner said: "My main concern is that they are now a large national operation and there may be plans to build a large grandstand with an even louder tannoy system operating every weekend."

Roger Corke said: "We used to call the motocross events the 'buzzy bees' because that's what they sounded like. Now, the engines are much more

powerful, louder and the noise pollution sounds as though we live near Brands Hatch."

Mr Pounder said the majority of bikes were now four-stroke rather than two-stroke but that for all machines, the noise limit is 96 decibels maximum at the trackside.

He said sound readings over the two days of racing this weekend showed that noise in the village was mainly trees rustling. "It was background noise and trees rustling; you couldn't hear the bikes," he said.

Appendix 3.4: Illuminating extracts from Banbury MX/Wroxton track Facebook pages - spring and summer 2020

As of June 2020, the Banbury MX Facebook page had 9,217 members

Evidence of new development and further enlargement in 2019- 2020:



This is the track photograph carried as the masthead of the Banbury MX Facebook page in 2020

HERE WE SEE THAT THEY WERE ON SITE ON SUNDAY 14 JUNE, DURING THE LOCKDOWN PERIOD, TO TEST THE TRACK AND DO MORE WORK ON IT (screen grab available):

Jessica Pounder

Admin 50 mins Sun 14 June

Evening all hope you have had a lovely weekend 🌻

Today we trialed the recent changes as you can see a definite lap time extension with the new section, all jumps are do-able and safe.

We are clinging to hope that it's not too much longer until we can invite you all back and hold events again.

Although still very much locked down the we are working hard and can't wait to return.

Thankyou to the boys for working so hard all year round & continuing to make Wroxton the track it is today.

Banbury MX:

Dawn Pounder

Admin 16 May at 14:48

Hi everyone hope your continuing to keep safe and well during these difficult times?! Just checking in and letting you know we are ready and waiting for Boris to give us the green light!

We have taken this opportunity to add the finishing touches to Wroxton, it sure has had TLC! Check out the video below (after the triple) we will update with more pics tomorrow ??

Jessica Pounder

Admin 17 May at 17:19

Jumps in the middle

Now a roller/ski into a bigger table top?

A How long is big table

W I'd say 80ft

Jessica Pounder. _ Not measured dad just got carried away with the dirt,

W got to be around that I'd say

Jessica Pounder

Admin 17 May at 17:24

Triple has a nice new face to it? ...

N does this open for practice days

Jessica Pounder_ We run race meetings typically March time till Oct and then squeeze a handful of practice days in nov if the weather allows

A Amazing track I cannot wait to race there again! Last time I raced was here on remembrance Sunday....

P **that's how they run there club, and it's a good club and an excellent track**

B how much for club membership as id pay to ride this track like

W membership is £50 I think **bud and that's for the year, then you pay £40 or £45 for each round you race**

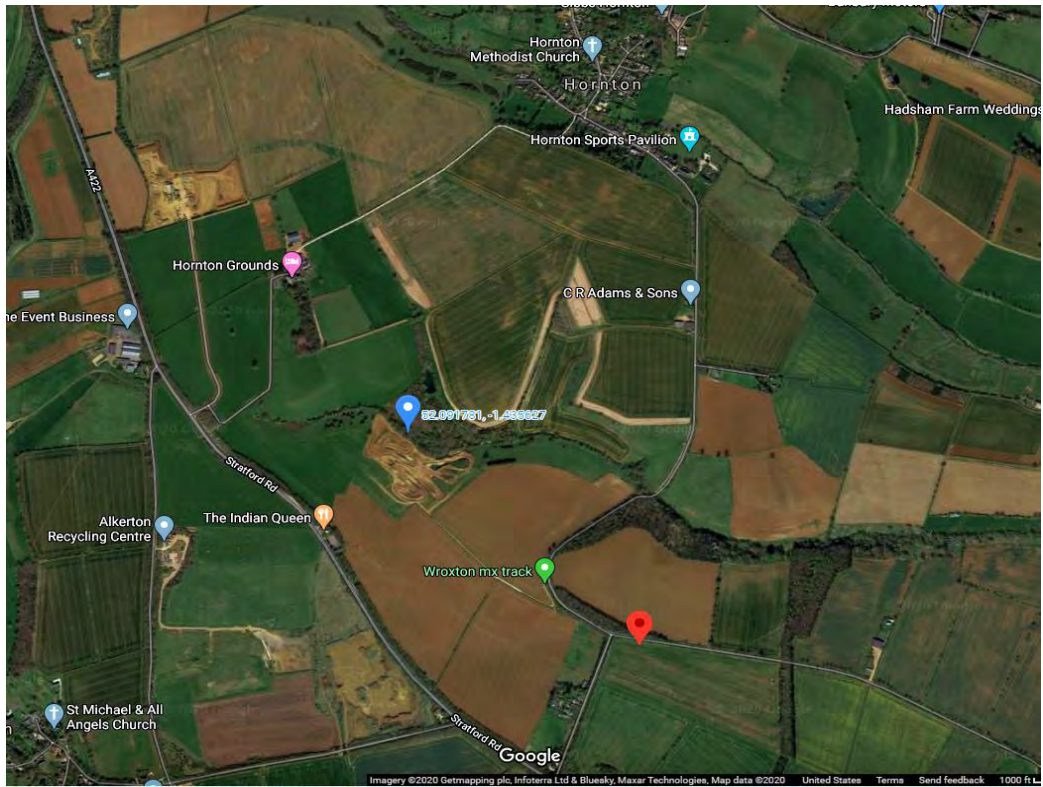
...

I Omg just seen it on fb looks bloody awesome ? ...

Appendix 3.5: More photographs

3.5.1 Hornton in relation to Wroxton MX track

In this 2020 view, Hornton is shown to the top edge of the picture. The track is marked with a blue marker, near centre, and the entrance to it, from a narrow lane leading to the village, is marked in green.



3.5.2

Pictures that reveal recent intensification and material changes in site

Event due to happen in April 2020 – did not go ahead due to Covid-19 lockdown:



Bridgestone Masters, 2019:



August 2019 - Portsmouth MXC Round 11:



APICO BSMA Nationals, Round 4

Race report: <https://www.dirtHub.co.uk/bubb-blitzes-wroxton-apico-bsma-nationals-round-4-race-report-and-results/>

The contests held, for up to 22 competitors in each one – were Auto's; Juniors; Small Wheel 85's; Big Wheel 85's; Senior Open; Senior 125's; Vets 35+; Vets 45+; MX1; MX2 :



21 July 2018 – from the Banbury MX Facebook page:



3.6 Commercial Profile and income: charges and fees levied by Wroxton Motocross Park/Banbury MX Club

Wroxton Motocross Park (home to Banbury MX Club) has become a commercial operation, especially in

the last few years.

They use the site for some of their own Banbury MX events and, increasingly, to hire out to third parties. Various income opportunities have been developed, including fees per race and camping charges. They charge £45 per year for Banbury MX Club membership or day memberships and licence fees.

Here are two 2020 charging examples, the second one from the first event of the delayed 2020 season when the track was hired out to Severn Valley MX Club:

3.6.1 Banbury MX Charges 2020 – from the Banbury MX website

http://www.banburymotocrossclub.co.uk/race_fees.html

Race Fees And Age Groups Backgrounds / Numbers (from 1st Jan)

Autos: £25 6 to 8 Years White with Black Numbers

65cc £25 6 to 10 Years Black with White Numbers

85cc S/W £30 9 to 12 Years Red with White Numbers

85cc B/W £30 11 to 15 Years Green with White Numbers

150 F B/W £30 12 to 15 Years Green with White Numbers

125/144/150 Youth £35 14 to 18 Years Blue/Black with White No's

250 F Youth £35 14 to 18 Years Blue/Black with White No's

Adults A,B & C £35 16 Years +Black with White Numbers

Club Membership (Inc Licence) £45

DAY MEMBERSHIP £5

ADULT day licence £10

ALL youth riders MUST have a full licence with ORPA

These are the groups for the ADULT Club

Small wheel 85

Big wheel 85/105/150f

125 Open (125, 250F)

Adult A

Adult B

Adult C

Over 35's

These are the groups for the SCHOOLBOY Club

Auto's

65cc

85 small wheel

85 big wheel

125 Open (125, 250F)

Adult A

Adult B

Adult C

3.6.2 Example of charges for an external club using the site for a major race event – 5 July 2020

This information was taken from the Go Race (www.goracemx.com) website on 16 June 2020, advertising the first event at the site after lockdown – even though, at that time, there had been no definite ruling on whether

such events would be permitted after 4 July.

This is an example of a third party MX club hiring the site for its own event.

Severn Valley MX Club Championship Wroxton

- **Type:**Race
- **Club:** Severn Valley MX **Championship:** Severn Valley Club Championship 2020
- **Venue:** Wroxton ([Map](#)) **Track Postcode:**OX156EU
- **Dates:**05-07-2020 to 05-07-2020
- **Sign-On Opens:**07:30 AM
- **Event Begins:**09:00 AM
- **Online Entries Open:**14-06-2020 08:00 PM
- **Online Entries Close:**04-07-2020 06:00 PM
-

BW 85	,	40	£40.00	£40.00	Now Open
SW 85	,	40	£40.00	£40.00	Now Open
Auto	,	40	£35.00	£35.00	Now Open
Vets	,	20	£40.00	£40.00	Now Open
Junior- 65	,	40	£35.00	£35.00	Now Open
Adult A	,	40	£40.00	£40.00	Now Open
Adult B	,	40	£40.00	£40.00	Now Open
Adult C	,	40	£40.00	£40.00	Now Open
Senior 125	,	40	£40.00	£40.00	Now Open

● BSMA 10.00

This is the advertisement carried on the Banbury MX Facebook page from 3 July promoting the camping charges to their own followers who might be attending the event.

The event is on Sunday 5 July – from the times posted here it is obvious that campers arrive the day before and are on the site overnight.

Banbury mx

Jessica Pounder
Admin · 16 hrs · 🗨️

If you managed to get an entry at wroxton sunday 5th july

Camping at Wroxton
OX15 6EU for practice
event 5th July

gates open from 3pm

£5 per vehicle
gates close at 11pm

STAY ALERT
CONTROL
THE VIRUS
SAVE LIVES

COVID-19 RULES MUST BE
FOLLOWED AT ALL TIMES

👍👎❤️👍 25

8 comments

The British Schoolboy Motorcycle Association (BSMA) are hiring the track on 22-23 August for their major championship.

Camping begins on the Friday and will last all weekend, with a clear-up on the Monday. Competitors and their families come from all over the country, during the Covid pandemic period.



BSMA 2020
Champion of Champions
Wroxton
22 - 23 August

Two days racing with overnight camping permitted on Friday and Saturday evening.

Open to book in for BSMA licence holders until 9 August then open for day licence holders from 10 August.

Please call the office to book in ~~£90~~ **£70**

For more details please call the BSMA office

07436 563 264
www.bsmamx.co.uk



This is what Dirt Hub say about the event:

<https://www.dirtHub.co.uk/the-bsma-champions-of-champions-is-back/>

In years gone by the Champion of Champions alongside the BSMA Finals was one of the two biggest events on the Schoolboy calendar in the UK and with entries already piling in it looks like the 2020 staging could well go down in the history books.

The event is taking place at the Wroxton circuit in Oxfordshire on the 22nd and 23rd August with a stacked two days of racing lined up with camping available for the Friday and Saturday.

Entries are open now until the 9th August for BSMA license holders and then for riders who need Day licenses from the 10th August.

3.7 'A weekend in the life of...' Wroxton MX Track

Saturday 4 & Sunday 5 July 2020

A Hornton resident was so concerned about the post-Covid re-launch of 'Wroxton MX Park' that he monitored its activity over this July weekend, the first fixture to go ahead in 2020. He found many worrying indicators...

The track had been booked by the Severn Valley MX Club and was in use all weekend: Wroxton track/Banbury MX Club team were hiring out the course and renting out overnight camping spaces – see advertisement, opposite – which appeared on the Banbury MX Club Facebook page during the week beforehand.

According to this ad, the gates opened at 3pm on the Saturday. In fact, when our villager checked at 12.15pm and then again at 2.47pm (see pics below) on that day, camper vans were already parked up, the gate open and preparations in full swing.



Racing started at 9am on the Sunday. Due to Covid restrictions, no walk-in spectators were allowed – **just the 160 riders and their immediate entourage plus course stewards: this was a relatively "small" race meeting for the site**, described as such by one of the neighbouring landowners that weekend. We do not know what other Covid-19 safe distancing and safety measures were observed.



Immediately above is a view of just part of the camping field, seen from the Wroxton Heath road, at 10.50am on Sunday 5 July when racing was well underway. The following shots were taken between 2.15pm and 2.40pm on Sunday 5 July, from the adjacent footpath. The first ones show some of the camping/camper van set-up more clearly, grouped in part around the permanent loo block.



We know, from Severn Valley's published schedule, that participants were taking part in nine main races and were of all ages, child and adult. The villager spoke, briefly, to one of the riders waiting to start a young adult race at 2.30pm. The competitor was waiting in the 'crush' (see picture below) where riders rev their engines, loudly and continuously, for about five minutes before they are 'set free' onto the course. The rider told the villager that there were up to 40 competitors in the next race.



The race began at 2.30pm, with these scenes of dust and noise (see below). An

ambulance vehicle was in attendance throughout (visible towards the right of the second picture below) and about 10 stewards in high-vis jackets were on duty on the course. The previous children's race had finished, on the same circuit, literally minutes before this one began.



ENDS



Appeal Decisions

Site visit made on 12 June 2020

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal A: APP/G3110/C/19/3239740

Appeal B: APP/G3110/C/19/3239738

Appeal C: APP/G3110/C/19/3239862

Land at 45 William Street, Oxford, Oxfordshire OX3 0ES

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Abdoul Wane (Appeal A), Mrs Zahara Wane (Appeal B) and Mrs Janet Willis (Appeal C) against an enforcement notice issued by Oxford City Council.
- The enforcement notice was issued on 31 July 2019.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the Land from dwellinghouse within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) to short term let accommodation (*sui generis* use).
- The requirements of the notice are: -
 - (i) Cease the use of the property on the Land as short term let accommodation.
- The period for compliance with the requirements is 30 days.
- Appeal A and Appeal B are proceeding on the grounds set out in section 174(2) (b) and (c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has not been paid within the specified period, the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
- Appeal C is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the 1990 Act).

Summary Decisions: The appeals are dismissed and the enforcement notice is upheld with corrections.

The Notice

1. On an appeal any defect, error, or misdescription in an enforcement notice may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority.
2. Section 55 of the 1990 Act states, amongst other things, that '*development*', means the making of any material change in the use of any buildings or other land. To ensure that the description of the alleged breach reflects section 55 of the 1990 Act I consider that the wording '*change of use*' within the description of the alleged breach should be deleted. I intend to replace the deleted wording with '***the material change in the use***'. I can carry out these corrections without injustice to the parties.

Preliminary Matters - all appeals

3. The reasons for issuing the enforcement notice cite a policy **in the Council's** Sites and Housing Plan. However, the Oxford Local Plan 2016-2036 (LP) was adopted on 8 June 2020 and the Council have confirmed that this policy and other policies cited in its Statements of Case have been superseded. All of the appellants have had the chance to comment on the submitted LP policies. I have dealt with the appeals on this basis.

Appeal A and Appeal B

The ground (b) appeals

4. The issue under ground (b) is whether or not the breach of planning control alleged in the enforcement notice has occurred as a matter of fact. The appellants must show on the balance of probabilities that the matters as alleged in the notices have not in fact occurred.
5. The Council has stated that it received a complaint in respect to the alleged material change of use of the appeal building from a dwelling house to short term let accommodation. As such, it began an investigation in January 2019 and as a result of its investigation it has found evidence that the property is available to stay in 365 days of the year, with the duration of stays varying from one night to one week. Moreover, the Council states that the property has been marketed on a number of short term let hosting websites including Airbnb and has provided evidence in the form of screen shots from those websites.
6. The Council acknowledges that there is still no fixed definition of short term lets. However, it goes on to state that typically these are normally any residential tenancy of less than six months where utilities, television and internet are included in the rent. Properties are let fully furnished and landlords are expected to provide a fully equipped kitchen with pots and pans, china, glassware and cutlery.
7. The appellants have **not specifically disputed the Council's evidence and** their case focusses on that there have been many companies letting out properties on a similar basis in Oxford for more than 15 years and why are they the only ones to have been served an enforcement notice. They also state, amongst other things, that 61% of bookings were made by families and parties were restricted to a maximum of 4 at any one time.
8. As such, the appellants consider that the use of the appeal property does not amount to a material change of use. Nevertheless, this is not a relevant argument to advance on ground (b) which is simply whether the property has been used, on the balance of probability, for short term let accommodation.
9. From the evidence supplied it is more likely than not that 45 William Street (No 45) has been used as short term let accommodation. Therefore, on the balance of probability the matters alleged in the enforcement notice have taken place and consequently the appeals on ground (b) must fail.

The ground (c) appeals

10. Ground (c) is that the matters alleged in the notice, if they have occurred, do not constitute a breach of planning control. It is a legal ground of appeal,

- distinct from any planning merits. The onus of proving it lies with the appellant, and the test of the evidence is on the balance of probability.
11. The key question is whether '*development*' has taken place which requires planning permission and, if so, whether planning permission is granted or the development is otherwise deemed to be lawful. As stated above, section 55 of the 1990 Act states that development includes '*the making of any material change in the use of any buildings or other land*'.
 12. The Council have cited the Court of Appeal judgement in *Moore v Secretary of State for Communities and Local Government [2012] EWCA Civ 1202 (Moore)* and 2 appeal decisions¹. In this case No 45 is let out as one property as a whole and I acknowledge that it may be possible for it to be used for short term let purposes without the use necessarily amounting to a material change of use. It is a question of fact and degree in any one case. It is clear from the judgment in Moore that the issue involves an examination of the particular characteristics of the way the property is let and whether that amounts to a material change of use from the use as a dwellinghouse.
 13. The appeal property is a two-storey, traditional, mid-terrace dwelling located in a cul-de-sac in a mainly residential area. No 45 has a short front garden and the majority of properties in William Street do not appear to have off-street parking facilities. As a result, I noted that generally parking takes place in marked bays on the pavement/highway and that the use of most of these bays is restricted to permit holders between the hours of 09.00 and 17.00 Mondays to Fridays.
 14. There is no evidence to indicate that the appellants reside at No 45. The property is advertised as a holiday home/cosy family home on Booking.com and stays at the property are booked online based on the length of stay required by the occupants. It appears that No 45 can be booked for a minimum of one night or a number of nights. The appellants maintain that between January and September 2019 that 61% of bookings were made by families, a visiting group is restricted to a maximum of 4 residents, a noise monitor has been installed, guests are tourists who leave the property in the morning and usually come back in the evening and that not all of the parking permits have been used for the year.
 15. I acknowledge that the property appears to have been set up for domestic use as a family home with a self-catering facility. However, other than the appellants' statement about the percentage of occupants being families, that have stayed at the property or the maximum number of guests staying at any one time, there is no specific evidence from the appellants such as booking forms to support those figures. Moreover, as bookings appear to be made online it would be difficult to enforce a maximum number of occupants that stay within the property **or that they are a 'family'**. This is borne out by a reply to one of the reviews on the website screenshots provided within the **Council's** evidence that states that there has been an instance where occupants have not declared that 12 people were to stay in the property and some occupants have had parties late at night.
 16. I also do not have specific figures on the number of lettings that have occurred at the property since the appellants have let it out. However, the screenshots

¹ APP/Q0505/C/18/3193261 & APP/Q0505/C/18/3196460

of the websites indicate that 55 and 45 separate reviews of the accommodation were made in 2018/2019. These reviews refer to stays of varying lengths from one day/night up to 10 days/nights. I have little evidence to indicate that the property is vacant, under normal circumstances, for large periods of time.

17. Based on the evidence before me, it is also reasonable to consider that the letting of the property for short terms of between one and ten days/nights at a time leads to a significant turnover of occupants. As a result, there appears to be a largely transient pattern and frequency of occupancy, compared to the more consistent pattern of occupancy that would normally be associated with that of a dwellinghouse.
18. This means a greater turnover of different people arriving and leaving, trying to get acquainted with the place, find their keys and park somewhere. Whilst, I noted that there are bus stops nearby, short-stay occupants unfamiliar with Oxford may be more likely to come by car or use taxis from the railway station, and there would be nothing to prevent them from doing this. Those arriving by car would then need to find somewhere to park within the cul-de-sac and to assess the parking restrictions in place. This could generate more vehicular comings and goings than a dwellinghouse, whose occupants would be more permanent and who would become more familiar with the area and hence would be more likely to use public transport, walking or cycling. I acknowledge that the appellants have not used all their allotted parking permits. However, the parking restrictions are only restrictive to parts of the day/week.
19. There would also be additional comings and goings from staff employed to clean the property and change bed linen as No 45 would need to be cleaned and beds changed after each stay. Whilst, the occupants of a dwellinghouse may employ a professional cleaner it is highly likely that this would be at most on a weekly basis. Whereas, the short term let use could generate multiple cleaning visits in a week. This increased intensity of service provision further distinguishes the use from a dwellinghouse.
20. I accept that some occupants could have been attending a university for a specific reason or may well have been a professional on business. In addition, the occupation of the property as a dwellinghouse by a single household could generate activity and associated noise and disturbance. Nevertheless, the transient pattern and occupancy of the short term let accommodation and its associated service provision all combine to increase general comings and goings to the property beyond what would normally be expected with a dwellinghouse use. Even though, a noise monitor appears to have been installed within the property and occupants appear to be informed about issues surrounding noise and disturbance the increase in comings and goings and the occupation of the property, more likely than not, results in an associated increase in overall noise and disturbance.
21. In conclusion on this matter, I find that the largely transient pattern and frequency of occupancy together with visits from staff employed to clean and change bed linen is significantly different compared to that of a dwellinghouse. Consequently, it is reasonable to consider that at the time the notice was issued that the level and character of activities that occurred at the site were materially different from those associated with a dwellinghouse.
22. As such, on the balance of probabilities, express planning permission is required for the making of a material change in the use of the property from a

dwellinghouse to short term let accommodation. I conclude that the matters alleged constitute a breach of planning control. There is no evidence that planning permission has been granted, therefore, the appeals on ground (c) must fail.

Appeal C

The ground (a) appeal and deemed planning application

Main issues

23. The reasons for issuing the enforcement notice relate to the loss of a self-contained dwelling house. Nevertheless, the evidence before me also relates to the noise and disturbance associated with the development. All the parties have had the chance to comment on both of these issues. As a result, the main issues are: -

- The effect of the development on the provision of housing;
- The effect of the development on the living conditions of occupiers of the nearby dwellings, with regard to noise and disturbance.

Reasons

Provision of housing

24. LP Policy H5 relates to development involving loss of dwellings and it states, amongst other things, that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site except where it meets one of a number of circumstances.
25. I consider that the change of use of the property has resulted in the loss of one self-contained dwelling. I have no evidence to indicate that the development meets one of the circumstances allowed within LP Policy H5. I acknowledge that the development has only resulted in the loss of one dwelling and that I have little evidence before me on the overall existing stock of homes in Oxford. Nevertheless, the supporting text to the policy states that given the scale of objectively assessed housing need in Oxford it will be important to ensure that the existing stock of homes is protected otherwise the benefits of building new housing would be undermined. Moreover, the LP has only recently been adopted.
26. The appellant refers to a Government Response document entitled '**Independent review of the sharing economy**' and I acknowledge that this highlights that the sharing economy is transforming the way we live our lives and we can now share our homes with people across the world specifically through online platforms such as '**Airbnb**'. However, this document does not form part of the statutory development plan and does not override the policies within it.
27. The appellant has also cited a background paper to the preferred options stage of the LP. This states that the Preferred Options Document makes it clear that the city seeks to prevent the loss of existing short-stay accommodation to other uses and that there is a preferred approach to permit new proposals in the city centre, district centres and on Oxford's main arterial routes. Nevertheless, I have little evidence before me to indicate whether this preferred approach was adopted within the LP. I also acknowledge that an

email from the Council was received that stated that it does not have a short let policy. However, that email also requests further information on what was required. In addition, the circumstances that are cited as exceptions within LP Policy H5 do not include the provision of short term let accommodation.

28. I accept that it is likely that there have been economic benefits from the development including job creation associated with the service provision and an increased spend in the local area associated with such accommodation. In addition, I acknowledge that the appellants' tenants appear to have had a conversation with a Council Officer who advised them to follow the general guidance **on housing on the Council's** website. Nonetheless, I have not been provided with any substantive evidence or exceptional circumstances to demonstrate that the need for this type of accommodation is more pressing than protecting **the city's housing stock**.
29. Based on the evidence before me, the development is contrary to LP Policy H5 and its economic benefits would not outweigh the conflict with this policy.

Living conditions

30. As stated above, No 45 is located in a predominantly residential area. The building itself is a two storey, mid-terrace house with a shallow garden area to the front. William Street is a relatively narrow residential road and has densely developed, traditional housing in close proximity to the road and the majority of the dwellings have no off-street parking provision. I noted at my site visit that there is a moderate background noise level from traffic on the surrounding road network, including Marston Road, when within William Street. I acknowledge that this is a snapshot in time and that at other times the background noise level may be different.
31. I have found that the transient pattern and occupancy of the short term let accommodation and its associated service provision all combine to increase general comings and goings to the property beyond what would normally be expected with a dwellinghouse use.
32. In addition, the transient nature and frequency of new occupiers would tend to mean that they have little connection to the local area and hence may be less inclined to respect the surrounding area and its existing residents, meaning they have fewer concerns or realisation of causing noise and disturbance.
33. Whilst there appears to be a guest selection process, a noise monitor has been installed within the property and '**house rules**' are given to occupants to stress the importance of respecting nearby residents there is no one on site to control or manage the occupants to ensure this happens. Moreover, the submitted noise monitor reports do not state where the noise monitor is installed, how it is calibrated and there is no detail on what noise levels specifically constitute '**high**', '**medium**' or '**low**'.
34. Moreover, the reviews on the website screen shots and the replies to them indicate that even with these measures in place that there have been issues in relation to the number of guests staying at the property and noise/disturbance. I note that soundproof boards on the walls with the neighbouring properties could be fitted. Nevertheless, no evidence has been provided as to the efficacy of such sound attenuation measures. Furthermore, noise and disturbance can also be generated by general activities that take place outside of the property,

such as those associated with the coming and goings of the occupants and the service provision and the use of outdoor space.

35. In this respect, the impact of the development upon occupiers of neighbouring properties is intensified by the close proximity of those neighbours. Even if there is only one neighbour who has complained, and specific noise and disturbance issues highlighted by that person are not supported by the noise monitor reports this does not necessarily mean that the reported problems should be disregarded or should carry little weight. Moreover, as stated above the website reviews by occupants also highlight noise and disturbance issues with the neighbours. This strongly suggests **that the Council's concerns are well-founded**.
36. I acknowledge that there appears to be a mix of student housing and housing in multiple occupancy in the surrounding area. However, the transient nature and frequent turnover of occupants that is associated with the development would not normally be associated with that type of accommodation.
37. I conclude that the pattern and nature of the occupation, at such close proximity to neighbouring dwellings is, more than likely, materially harmful to the living conditions of neighbouring occupiers with regard to noise and disturbance. It follows that the development does not comply with LP Policy RE7 which, amongst other things, states that planning permission will only be granted for development that ensures the amenity of neighbours is protected.

Other matters

38. The appellant has referred to furnished short stay accommodation that has been offered by established companies in Oxford for more than 15 years and questions why they have not been requested to apply for planning permission. However, I do not have the details of whether these developments are in breach of planning control or the circumstances if they were found to be acceptable in planning terms. Moreover, as stated above it may be possible for a property to be used for short term let purposes without the use necessarily amounting to a material change of use. It is a question of fact and degree in any one case. In addition, the LP has only been recently adopted. Consequently, I cannot be certain that the circumstances are comparable to the development before me. In any case, I am required to determine the appeal on its individual merits.
39. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

Conclusion on ground (a) and the deemed planning application

40. Taking into account all of the above, the development is contrary to the development plan when read as a whole. In this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.
41. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a) and the application for deemed planning permission should fail.

Conclusion – Appeal A, Appeal B and Appeal C

42. For the reasons given above I consider that the appeals should not succeed, and the enforcement notice is upheld.

Formal Decisions – Appeal A, Appeal B and C

43. It is directed that the enforcement notice be corrected by: -

- Deleting the wording '*change of use*' within the description of the alleged breach;
- Replace the deleted wording with '*the material change in the use*' within the description of the alleged breach.

Subject to these corrections the appeals are dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

D. Boffin

INSPECTOR